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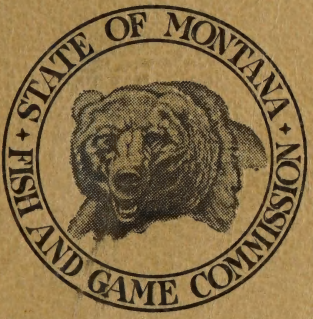

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State Fish and Game Warden
HELENA, MONTANA

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Compilation of Laws Relating to Game and Fish, Game Birds and Animals of the State of Montana.

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1949 - 1950

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Compiled by

ARNOLD H. OLSEN

Attorney General

and

A. A. O'CLAIRE

State Fish and Game Warden

Helena, Montana

MONTANA RECORD PUBLISHING CO.
HELENA, MONTANA

Help Prevent Fires

KEEP FORESTS GREEN

Here Are Six Safe Rules for Prevention of Fires in our Forests. Motorists are urged to see that they are enforced:

1. MATCHES—Be sure your match is out. Break it in two before you throw it away.
2. TOBACCO—Be certain that pipe ashes and cigar or cigarette stubs are dead before throwing them away. Never throw them into brush, leaves, or needles.
3. MAKING CAMP—Before building a fire scrape away all inflammable material from a spot five feet in diameter. Dig a hole in the center and in it build your camp fire. Keep it small. Never build a fire against trees, logs or near brush.
4. BREAKING CAMP—Never break camp until your fire is out—dead out.
5. BURNING BRUSH—Never burn slash or brush in windy weather or while there is the slightest danger that the fire will get away.
6. PUTTING OUT CAMP FIRES—Stir coals while soaking them with water. Turn small sticks and drench both sides. Wet ground around fire. If you can't get water, stir in earth and tread down until packed tight over and around fire. Be sure the last spark is dead.

Fish and Game Laws

1949 - 1950

Chapter 166, Laws of 1941

An act to amend Sections 3650 and 3651 of the Revised Codes of Montana, 1935, Providing for the Creation of a Fish and Game Commission for the State of Montana; Fixing the Number of Commissioners Thereof; Dividing the State Into Commissioner Districts and Defining the Boundaries of Such Districts; Providing for the Appointment of Commissioners; Prescribing Their Qualifications, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3650 of the Revised Codes of Montana, be, and the same is hereby amended as follows:

Section 3650. **State Fish and Game Commission, Creation.** There is hereby created for the State of Montana State Fish and Game Commission, which shall **consist and be composed of five (5) members, who shall be appointed and who shall hold office in accordance with the provisions of this Act, and who shall have the powers and duties prescribed by law. The Commission created hereby shall be known as the State Fish and Game Commission and the members thereof as the State Fish and Game Commissioners.**

Section 2. That Section 3651 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3651. **Membership—Terms. The State of Montana is hereby divided into the following districts and the counties composing each district are as follows:**

District No. 1. Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark.

District No. 2. Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park and Sweetgrass.

District No. 3. Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland.

District No. 4. Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, Wibaux.

District No. 5. Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, Prairie.

One member of the Commission shall be appointed from each of the foregoing districts by the Governor of the State of Montana. The selection of said members shall be made without regard of political affiliation but for the sole welfare of the fish and game and wildlife of the State. No person shall be appointed a member of said Commission unless he shall be informed or interested **and experienced** in the subject of wildlife, fish and game, and the requirements for the conservation and protection of fish, game, and game birds and animals. The first members of the Commission **created hereby** shall be appointed by the Governor within thirty (30) days after the passage and approval of this Act.

The first Fish and Game Commissioners appointed in Districts 1, and 5 shall each hold office for a term of four (4) years; the first Commissioners appointed in Districts 2 and 4 shall each hold office for a term of three (3) years; the first Fish and Game Commissioner appointed in District 3 shall hold office for a term of two (2) years, and thereafter the term of office of each Fish and Game Commissioner shall be four (4) years.

The Governor may remove any **Fish and Game Commissioner for inefficiency, neglect of duty, or misconduct in office, or for cause by delivering to him a copy of the charges and affording him an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than fifteen (15) days' notice in writing, accompanied by a statement of the charges held against him.**

Vacancies occurring in the Fish and Game Commission shall be filled by the Governor **in the same manner and from the districts in which such vacancies occur.**

Each Commissioner shall, before entering upon his official duties, execute and file a **surety** bond with the Secretary of State, running to the State of Montana, in the penal sum of One Thousand ($1,000.00) Dollars, conditioned for the faithful performance of his duties and that he will account for and pay over to the Fish and Game Fund of the State all moneys received by him and he shall be reimbursed for the premium on said bond from the State Fish and Game Fund upon furnishing a proper voucher therefor.

Section 3. If any clauses, sentences, paragraphs, special divisions, section or

parts of this Act shall be declared unconstitutional or judged invalid, such unconstitutionalities or invalidity shall not affect or invalidate any other part or portion thereof.

Section 4. All acts and parts of Acts in Conflict herewith are hereby repealed except that the present Fish and Game Commissioners and their successors shall remain in office and shall exercise the powers and perform the duties now prescribed by law until the Fish and Game Commission created by this Act shall be appointed and qualified and organized as provided by law.

Section 5. This Act shall be in full force and effect from and after the date of its passage and approval.

Chapter 114, Laws of 1945

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3652 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3652: **Meetings.** The members of the Commission shall within thirty days after their appointment and annually thereafter meet and organize by electing from its membership a chairman and shall hold quarterly or other meetings for the transaction of business, at such times and places it may deem necessary and proper, said meetings to be called by the chairman, or by a majority of the commission, and to be held at the time and place specified in the call for the same. A majority of the members of the commission shall constitute a quorum for the

transaction of any business which may come before it. The said commission shall keep a record of all the business transacted by it. The chairman and secretary, hereinafter designated, shall sign all orders, minutes or documents for the commission. The principal offices of the commission shall be located in the capitol building in Helena, and suitable and adequate rooms therefor, together with necessary furnishings, janitor services, light, heat and water shall be furnished by the State of Montana without charge to the commission.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Chapter 157, Laws of 1941

An act to amend Section 3653 of the Revised Codes of Montana, 1935, Relating to **Fish and Game Commission, its Powers and Duties.**

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3653 of the Revised Codes of Montana, be, and the same is hereby amended as follows:

Section 3653. **Powers and Duties of Commission.** The Commission hereby created shall have supervision over all the wild life, fish, game, and non-game birds, and waterfowl, and the game, and fur-bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this State for the enforcement of the fish and game laws of the State, and the orders, rules and regulations adopted and promulgated by the Com-

mission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, all funds of the State of Montana collected or acquired for that purpose, whether arising from State appropriation, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this State from appropriations, or received by the Commission from any other sources are hereby appropriated to and placed under control of the Montana Fish and Game Commission. It shall have power to discharge any appointee or employee of such Commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found to be of no further value or use to the State, and shall turn over proceeds arising therefrom to the State Treasurer to be by him credited to the State Fish and Game Fund. It shall have full power and authority to use so much of the Fish and Game Funds of the State as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms, or other property or means and appliances

for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Montana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals, and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the State Fish and Game Funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams, which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the State Fish and Game Fund suitable fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared and when of suitable sizes, liberated and distributed in the waters of this State, and may expend from the State Fish and Game Funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, pur-

chase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to acquire by purchase, condemnation, lease, agreement, gift, or devise, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate and maintain the same for said purposes: (a) For fish hatcheries, nursery ponds, or game farms; (b) Lands or waters suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection; (c) For public hunting, fishing, or trapping areas to provide places in accordance with the provisions of law where the public may hunt, trap, or fish or the regulations of the Commission; (d) To extend and consolidate by exchange lands or waters suitable for the above purposes; (e) To capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes, or to exercise control measures of undesirable species. It shall have authority to enter into co-operative agreements with educational institutions and State, Federal, or other agencies, to promote wild life research and to train men for wild life management. It shall have authority to enter into cooperative agreements with Federal agencies, municipalities, corporations, organized groups of landowners, associations and individuals for the development of game, bird, fish, or fur-bearing animal management and demonstration projects. It shall have authority to fix seasons and bag limits, **open** or close, shorten or **lengthen** seasons, **except as otherwise provided by law,** on any species of game, bird, fish, or fur-bearing animal, in any specified locality or locali-

ties of the entire State, when it shall find, after said investigation, that such action is necessary to assure the maintenance of an adequate supply thereof. It shall have authority to establish and close to hunting, trapping or fishing, game, bird or fish refuges on public lands and, with the consent of the owner, on private lands; and close streams and lakes, or parts thereof, to hunting, trapping or fishing. It shall have authority to divide the State into fish and game districts, and to create fish, game, or fur-bearing animal districts throughout the State of Montana and to declare closed season for hunting, fishing, or trapping in any of said districts, so created, and later to open said districts to hunting, fishing, or trapping. It shall have authority to declare a closed season on any species of game, fish, or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district of any stream, public lake, or public water, or portions thereof, to hunting, trapping or fishing, for limited periods of time, when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the Commission upon the petition and proper showing that such action is, in

judgment of the Fish and Game Commission, necessary and in the best interest of the wild life within the area, to be included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding grounds for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of waterfowl, but to provide havens in which they can rest, feed, and breed without molestation. After petition has been duly filed with the Secretary of the Commission, praying that an area shall be set aside as a game refuge or haven, the said Secretary shall immediately publish a notice in a paper of general circulation in the County in which the said area is proposed, that a hearing in connection therewith will be held at such place in said County as may be designated on a day not less than fifteen (15) days from the date of the first publication to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this Act. It shall not have authority to issue permits to anyone to carry firearms within the confines of the State of Montana, except to regularly appointed officers and/or fish and game wardens who are paid by the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 152, Laws of 1949

An Act to Amend Section 3654 of the Revised Codes of Montana, 1935, Relating to Compensation of Montana Fish and Game Commissioners.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3654 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 3654. **Compensation of Commissioners.** The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of **Fifteen Dollars ($15.00) for the period of time commencing on passage and approval of this Act, and continuing until July 1, 1951, and not more than Ten Dollars ($10.00) per diem thereafter,** for each member for every day in actual attendance at the meetings of said Commission, or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any member of said Commission receive as said per diem a sum in excess of **Six Hundred Dollars ($600.00)** in any one (1) year **for the period of time commencing on passage and approval of this Act, and continuing until July 1, 1951, and not to exceed Four Hundred Dollars ($400.00) in any one (1) year thereafter,** and the members of said Commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said Commission, which shall be paid from the Fish and Game

Fund of the State, upon presentation of proper vouchers therefor."

Section 2. This Act shall be deemed and held valid notwithstanding the provisions of the Budget Act.

Section 3. This Act shall be in full force and effect upon its passage and approval.

Chapter 87, Laws of 1947

An Act to Amend Section 3655 of the Revised Codes of Montana, 1935, Relating to the State Fish and Game Warden, His Qualifications, Salary and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3655, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3655. The State Fish and Game Commission shall appoint and employ a State Fish and Game Warden, who shall continue in the office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wildlife protection, conservation, and management. He shall be the secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a record of all of its transactions, and shall make and keep an inventory showing the description and value of all property owned by the State and under the administration of said Commission. He shall be the administrative agent of the state fish and game commission, custodian of the property and records of the fish and game department, and shall

maintain his office at the seat of the state government. He shall devote all of his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency, or other good cause, **and after full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing.** The State Fish and Game Warden shall be paid a salary fixed **by the commission and approved by the State Board of Examiners,** and shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no **year** shall he be allowed as expenses a sum in excess of two thousand dollars ($2,000.00) in any one year, the same to be paid upon proper vouchers from the fish and game fund of the state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Chapter 131, Laws of 1947

An Act to Amend Section 3656 of the Revised Codes of Montana, 1935, Relating

to Deputy Fish and Game Wardens—Appointments.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3656 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3656. **Deputy Fish and Game Wardens—Appointments.** The State Fish and Game Warden, by and with the consent and approval of the Commission, shall have power to employ, and appoint a number of Deputy State Fish and Game Wardens not in excess of **forty-two (42)** for the proper enforcement of the fish and game laws of the State, or for such purposes as the Warden may direct, who shall be peace officers and hold their offices for such time as the Warden may direct, and who may be removed from office by said Warden at any time for cause, after due hearing before said Commission. The said Commission shall assign to each Deputy State Fish and Game Warden, appointed or employed, the territory or district in which he is to perform his duties and work, which may be changed at any time by said commission. Said Deputy Fish and Game Wardens shall perform their duties at the direction of, and subject to the supervision and control of the State Fish and Game Warden; provided, however, the Commission may employ for a limited period of time, special deputy game wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said commission for the limited time for which they are employed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Section 3657. **Deputy State Fish and Game Wardens—Qualifications.** All appointments of salaried Deputy Fish and Game Wardens shall be made under rules adopted and promulgated by the Commission; such examination shall embrace an investigation of the character, habits, and qualifications of the applicant, as well as his knowledge of the State Fish and Game Laws, and the duties and responsibilities appertaining to the office of Deputy Fish and Game Warden. No person shall be appointed a salaried Deputy State Fish and Game Warden until a certificate shall have been issued to him by the Commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office.

Section 3658. **Political Activity Prohibited.** While retaining the right to vote as he may please, and to express his opinions on all political questions, no Fish and Game Warden or Deputy shall take any active part in political management or political campaigns, nor shall he use his official authority or influence for the purpose of interfering with an election, or affecting the results thereof, or for the purpose of coercing or influencing the political actions of any persons or body.

Section 3659. **Qualifications, Powers and Duties of Deputy Game Wardens.** The Deputy State Fish and Game Wardens employed and appointed by virtue of this Act shall be persons who have had experi-

ence, training, and skill in protection, conservation, and propagation of wild life, game, and fur-bearing animals, fish and game birds, and who shall be interested in said work; they shall devote all of their time for which they are appointed to their official duties, it shall be their duty to see that the laws of the State of Montana and the laws, orders, rules and regulations of the State Fish and Game Commission with reference to the protection, preservation and propagation of game and fur-bearing animals, fish and game birds are strictly enforced; it shall be their duty to see that all those who hunt, fish, or take game, or fur-bearing animals, game birds, or fish, have necessary licenses. They shall have authority to serve subpoenas issued by any court for the trial of offenses against any of the fish and game laws of the State; they shall have authority to make a search, when they have reasonable cause to believe that any of the game, fish, birds, or quadrupeds, or any parts thereof, have been killed, captured, taken or possessed, in violation of the laws of this State, and without search warrant, to search any tent not used as a residence, boat, car, automobile, or other vehicle, box, locker, basket, creel, crate, gamebag, or other package and contents thereof to ascertain whether any of the provisions of the laws of this State or the rules and regulations of the Fish and Game Commission for the protection, conservation or propagation of game and fish or game birds or fur-bearing animals have been violated, and with a search warrant to search and examine the contents of any dwelling house or other building, to seize and confiscate all game, fish, game-birds, and fur-bearing animals or any parts thereof, possessed in

violation of the law, or the orders, rules and regulations of the Commission, or showing evidence of illegal taking, and seize and confiscate all devices used in the taking of game and fur-bearing animals, fish or game birds illegally, and to hold the same subject to law or the orders of said State Fish and Game Commission; to arrest without warrants any persons committing in their presence any offense against the Fish and Game Laws of the State of Montana, or against any orders, rules and regulations of the Commission violation of which has been made a misdemeanor by the provisions of this Act, and to arrest without warrant any person who they have reasonable and probable cause to believe has committed any such offense and to take such person immediately before a magistrate having jurisdiction of the same, and to exercise such other powers of peace officers in the enforcement of the Fish and Game Laws of the State, and the orders, rules and regulations of the Commission, or of judgments obtained for the violation thereof, not herein specifically provided. It shall be their duty at all times to assist in the protection, conservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, and to assist in the planting, distributing, feeding and caring for fish, game and fur-bearing animals, and game and non-game birds; it shall be their duty when ordered by the State Fish and Game Commission, to assist in the destruction of predatory animals, birds, and rodents; it shall be their duty to do and perform all other duties prescribed from time to time by the State Fish and Game Commission, to make a monthly report to said Commission cor-

rectly and truthfully informing the said Commission of just what each said Deputy Fish and Game Warden has done during each day of the preceding month, with regard to the enforcement of the Fish and Game Laws of this State, showing where his duties called him, and what he was called upon to do, and said report shall contain any pertinent recommendations said Deputy may see fit to make. No Deputy or Special Deputy Game and Fish Warden shall have authority to compromise or settle out of court, any violation of the State Fish and Game Laws.

Section 3660. **Oath and Bond of State Fish and Game Warden and Deputy Wardens.** Before entering upon his official duties, the State Fish and Game Warden and Deputy Wardens shall take and subscribe the Constitutional oath of office and shall in addition, thereto, swear, or affirm, that he holds no other position or office, nor any position under any political committee or party. Such oath or affirmation shall be filed in the office of the Secretary of State.

The State Fish and Game Warden shall execute and file with the Secretary of State a bond to the State of Montana in the sum of Ten Thousand Dollars ($10,000), with sureties thereon approved by the State Treasurer, and each salaried Deputy State Fish and Game Warden shall file a bond with the Secretary of State, to the State of Montana in the sum of One Thousand Dollars, with sureties thereon approved by the State Treasurer, conditioned for the faithful performance of the duties of their respective offices, and that they, respectively, will account for any and pay over, pursuant to law, all money received by them respectively. The State Fish and

Game Warden and each of said Deputies shall be reimbursed for the premium on said bonds from the State Fish and Game Fund, upon the furnishing of a proper voucher therefor.

Chapter 119, Laws of 1947

An act to amend Section 3661 of the Revised Codes of Montana, 1935, as amended by Chapter 216, Laws of 1943, relating to the Appointment of Deputy Fish and Game Wardens; providing for the removal, rating, salary and expenses of Deputy and Special Deputy Fish and Game Wardens and providing for the appointment of a Chief Deputy Fish and Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3661, Revised Codes of Montana, 1935 as amended by Chapter 216, Laws of the Twenty-eighth Legislative Assembly of Montana be, and the same is hereby amended to read as follows:

Section 3661. The State Fish and Game Commission shall have the power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this section. The State Fish and Game Warden, by and with the consent and approval of the Commission, shall have power to employ a Chief Deputy Fish and Game Warden, who shall have

previously served as a Deputy Fish and Game Warden, or who has had several years' experience in wildlife management, who shall be a peace officer and hold his office for such time as the Warden may direct, and who may be removed from office by said State Fish and Game Warden at any time for cause after due hearing before said Commission. The Chief Deputy Fish and Game Warden shall have the same powers and duties as a Deputy Game Warden as provided by law and in addition shall serve as acting State Fish and Game Warden in the absence of said Warden and shall maintain his office in the Fish and Game department office at the seat of the State government. **The salary of Deputy State Fish and Game Wardens shall be fixed by the Commission, with the approval of the State Board of Examiners, provided that the base salary for regular Deputy Game Wardens shall be one hundred and seventy-five ($175.00) dollars per month and the base salary for Special Deputy Game Wardens shall be one hundred and fifty ($150.00) dollars per month.** Deputy State Fish and Game Wardens shall not be removed unless furnished with a reason for removal and given a hearing in his own defense. **Special Deputy Game Wardens may be employed on a seasonal or other basis to serve at pleasure of the State Fish and Game Commission.**

Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not exceeding the sum of seven hundred fifty ($750.00) dollars per year, unless special work shall be ordered by the Fish and

Game Commission; said expenses to be approved by said State Fish and Game Warden and to be paid upon proper voucher from the State Fish and Game Fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Section 3662. **Special Deputy Fish and Game Wardens.** The State Fish and Game Warden may appoint anyone who is a bona fide resident and citizen of the State as a Special Deputy Fish and Game Warden. Such Special Deputy Fish and Game Warden shall hold his appointment during the pleasure of the Commission, or State Game Warden, and shall have the same powers and duties as other Deputy State Fish and Game Wardens, but shall receive no pay for his service, except that the Commission may in its discretion, allow him his actual and necessary traveling expenses, and all expenses paid by him for transportation, board and lodging of persons under arrest for violation of the game, fish and fur-bearing animal laws, orders, rules or regulations, which, if allowed, shall be paid upon proper voucher from the State Fish and Game Fund.

Section 3663. **Sheriffs, Constables, Peace Officers and State Forest Officers.** All Sheriffs and their Deputies, Constables, all Peace Officers of the State, or any subdivision thereof, and all State Forest Officers, are hereby made ex-officio Deputy State Fish and Game Wardens, without pay, except that the Commission may, in its discretion, allow actual and

necessary traveling expenses, which, if allowed, shall be paid upon proper vouchers from the State Fish and Game Funds, and shall have the same powers with reference to the enforcement of the Fish and Game Laws of this State as regularly appointed Deputy State Fish and Game Wardens, and it is hereby made their duty to assist, wherever possible, in the enforcement of said laws.

Section 3664. **Superintendent of State Fisheries—Appointment and Bond.** The State Fish and Game Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent of Fisheries, who shall be a competent person and a skilled fish culturist. He shall act solely under the direction of the State Fish and Game Commission. The output of all State Hatcheries shall be used to stock the lakes and streams of the State and shall be for free and impartial distribution within the State, such distribution to be under the direction of said Superintendent of Fisheries subject to an official order of the Commission. He shall have the power to exchange spawn or fish with other States or persons for distribution in this State. Before entering upon his official duties the Superintendent so appointed and employed by said Commission shall execute and file a bond with the Secretary of State in the sum of Two Thousand Dollars ($2,000.00), with sureties thereon approved by the State Treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be reimbursed for the premium on said bond from the Fish and Game

Fund of the State, upon presentation of a proper voucher therefor.

Chapter 86, Laws of 1947

An act to amend Section 3665 of the Revised Codes of Montana, 1935, relating to the Salary and Expenses of the Superintendent of Fisheries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3665, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3665. The Superintendent of State Fisheries, appointed and employed by the commission, shall receive for his services a salary **fixed by the Commission with the approval of the State Board of Examiners and, in addition, shall be allowed** his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office, but in no instance shall he be allowed for such expenses a sum in excess of one thousand five hundred dollars ($1,500.00) in any one year, **and such salary and expenses** shall be paid from the State Fish and Game Fund on proper vouchers.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its approval.

Section 3666. **Powers and Duties of Superintendent of State Fisheries.** The Superintendent of State Fisheries shall have full control of all State Fish Hatcheries and shall be responsible for their con-

struction, maintenance, and operation, subject at all times to an order of the Commission. All such construction work done under contract or otherwise, shall be done under control and supervision of said Superintendent of Fisheries, subject to his acceptance under the direction of the Commission. He shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings, and fish, and with the consent of the State Fish and Game Commission, he shall have power and authority to employ such assistance and help as may be necessary in the operating of fish hatcheries of the State, the gathering of eggs, or the performance of any other work in connection with the protection, propagation and distribution of fish and fry. He shall have authority with the consent of the Commission, to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the State supplied with eggs and in full operation, the quality and kind of species of eggs to be determined by the Superintendent or Commission; provided, however, that the said superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all the public waters of the State. Said Superintendent shall have authority when authorized to by the Commission, to purchase the eyed eggs of fish not propagated in this State, for the purpose of stocking the waters in this State.

Section 3667. **State Fish and Game Commission—To Control State Waters for Propagation of Fish.** From and after the passage of this Act, the State Fish and Game Commission is hereby given the right and authority to control the waters of any lake, pond, or stream, which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake, pond or stream, for the breeding and propagation of game fish is concerned. Before such right to control any of such lake, pond, or stream, shall inure to the State Fish and Game Commission it shall be necessary for the Chairman of said Commission to notify the State Land Agent that any such lake, pond or stream is wanted for the purposes herein mentioned, giving a description of the land by legal subdivision, when surveyed, or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any lessor or purchaser of the right claimed by the State, in any such lake, pond or stream, and said State Land Agent shall notify any lessor or purchaser or applicant to lease or purchase of the fact that a right to the use of such lake, pond or stream is so claimed; provided, however, that no such right as is hereby given shall continue for more than one year after such land is sold by the State, and further provided, that should it be found that the right to the control of any such lake, pond, or stream heretofore granted lessens the value of said land or prevents the ready sale thereof, that then and in that event the right hereby granted to the State Fish and Game Commission may be terminated

upon giving sixty days' notice of such termination to the Chairman of the State Fish and Game Commission.

Section 3668. **State Fish and Game Commission Shall Procure Plans for Buildings.** It shall be the duty of the State Fish and Game Commission of the State of Montana, to procure suitable plans and specifications for any buildings erected by their authority or under authority of the State Legislature, when the estimated value or cost of the same shall be more than One Thousand Dollars, and said Commission shall cause said buildings to be built, erected and completed in accordance with such plans and specification, by contract, said contract to be let after publishing said notice stating the time and place of letting the same, and where plans and specifications may be seen. Said notice shall be published not less than once a week for two weeks prior to the time of letting such contract, in some newspaper of general circulation in the county in which said building is to be erected, and elsewhere if deemed best by said Commission, and said Commission, if not satisfied with the bids received, or for any other reason, may reject any and all bids received and readvertise as often as may be necessary. The contract shall be let to the lowest responsible bidder. Any person to whom a contract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Commission, or some member of the Commission.

Section 3669. **Transfer of Funds.** All funds, appropriations and moneys provided for the purpose of administering or

enforcing the present Fish and Game Laws of this State, and all funds, appropriations and moneys belonging to the Fish and Game Fund of this State and now under the control or in the possession of any officer, person or department of this State, shall be and hereby are placed under the control of the Commission hereby created, and shall be collected and disbursed by said Commission, pursuant to existing laws and provisions of this Act.

Chapter 114, Laws of 1945

Be it enacted by the Legislative Assembly of the State of Montana:

Section 2. That Section 3670 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3670. **State Fish and Game Fund.** All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from the appropriations, or received by the commission from any other source, shall be turned over to the state treasurer, and placed by him in a special fund known and designated as the 'state fish and game fund', provided, that out of any fines imposed by a court for the violation of this act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the

State Fish and Game Commission under the terms of this act, and said funds shall be expended for any and all such purposes, by said Commission, subject to the proper audit and allowance by the State Board of Examiners and by appropriation by the legislative assembly of each session; provided, however, that all equipment, printing, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission must be requisitioned for through the State Purchasing Agent, and the State Purchasing Agent shall purchase all necessary equipment, print, materials and supplies of every nature required for the administration and operation of the State Fish and Game Commission, without charge to the Commission for such services.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Chapter 85, Laws of 1947

An act to amend Section 3671 of the Revised Codes of Montana, 1935, relating to the State Fish and Game Warden and the Employment of Clerks and Stenographers and Providing for Employment of Professional Legal Assistance for the Commission and State Fish and Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3671 of the Revised Codes of Montana, 1935, be, and the same is hereby amended, to read as follows:

Section 3671. The State Fish and Game Warden appointed and employed by the State Fish and Game Commission of this State, shall have the right, subject to the

approval of the Commission, to employ such clerical, stenographic, **and, also, such professional legal assistance,** as may be necessary for **the Commission** properly **to** maintain **and administer its** office and perform **its** official duties, and the person or persons **so employed** shall be paid monthly out of the Fish and Game Funds of the State **or, in the case of the legal assistance on a fee basis,** upon proper voucher.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval by the Governor.

Section 3672. **Salaries, per Diem and Expenses—How Paid.** All salaries, per diem, expenses, and claims incurred by the State Fish and Game Commission, or any person appointed or employed by them, shall be allowed by the State Board of Examiners upon the presentation of proper vouchers therefor, and shall be paid out of the State Fish and Game Funds, upon warrants properly drawn thereon; provided, however, that the aggregate of all salaries, per diem, expenses and claims presented for payment shall not exceed at any time the total amount in said State Fish and Game Fund. The State Fish and Game Commission shall approve all bills properly presented which have been incurred under its authority and by its direct order. The expenses of all Deputy State Fish and Game Wardens shall be approved by the State Fish and Game Warden, before they are paid, and the salary per diem or expenses of any employee employed in the propagation or distribution of fish shall be approved by the Superintendent of State Fisheries, be-

fore they are paid. All items of expense, amounting to more than One and one-half dollars incurred by any one employed in the State Fish and Game Department, shall be evidenced by a proper voucher or receipt before they shall be approved, allowed, or paid.

Section 3673. **Reports of State Fish and Game Warden, Superintendent of State Fisheries and Commission.** The State Fish and Game Warden and the Superintendent of State Fisheries, shall on or before the first day of June of each year make a written report to the State Fish and Game Commission of the operations of their departments during the preceding year, and the State Fish and Game Commission shall thereafter, and on or before the first day of November of each year transmit such report, together with a detailed report to the Governor, of its work and of moneys collected or received, with the sources thereof and all disbursements and expenditures with the details connected therewith, the result of investigations made by it during the preceding year ending April 30th, with recommendations as to the measures to be taken or enacted to conserve and propagate the fish, game birds and game, and fur-bearing animals of the State, and, if such recommendations embody legislation, drafts or bills to accomplish the purpose desired.

The Governor is authorized to have such reports printed.

Section 3674. **Publication of Laws.** As soon as practicable after the adjournment of each session of the Legislature, the State Fish and Game Warden, in cooperation with the Attorney General, shall make a compilation of the laws relating

to fish, game, game birds and animals, as amended and in force at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form, pocket size. It shall be the duty of the State Fish and Game Warden to distribute to Justices of the Peace, Deputy Fish and Game Wardens, and other officers and persons empowered to issue licenses for hunting, fishing, and trapping, a supply of such compilation sufficient to permit one copy thereof to be given any one desiring the same. The expense incurred by printing said laws shall be paid out of the State Fish and Game Fund.

Section 3675. **Duty of Attorney General to Advise Commissioners—Prosecuting Attorneys to Prosecute Complaints.** The Attorney General of the State is the legal adviser of the Commission, and shall, together with the several County Attorneys, enforce the provisions of this Act.

Section 3676. **Creating Fish and Game Preserves, Refuges, Sanctuaries, Rest Grounds, Closed Districts and Closed Seasons.** Preserves, refuges, sanctuaries, rest grounds, or closed districts made or created by said Commission, and any land or water areas or portions thereof, closed by said Commission, shall be conspicuously posted for a period of twenty (20) days with posters setting forth their purposes and the penalties for violating the orders, rules and regulations of the State Fish and Game Commission applicable to them. Not less than twenty (20) days before any fish and game district, closed district, preserve, refuge, sanctuary, rest ground, so created by said Commission, or closure of land or

water areas becomes effective, publication shall be made as provided in section 3677 hereof of the boundaries of such fish and game district, closed district, preserve, refuge, sanctuary or rest ground, so created by said Commission, such boundaries to be accurately designated by definite topographic monuments or public land survey. The hunting, pursuing, capturing, killing or taking of any fish or game animals or game birds or fur-bearing animals in violation of the rules, regulations or orders of the State Fish and Game Commission governing any closed season, fish and game district, refuge, sanctuary, preserve, rest ground or closed land or water area, promulgated by said Commission shall be punishable with the same penalties as provided for the violation of the State Fish and Game Laws of this State, regarding closed seasons. All game preserves or refuges heretofore created are continued in full force and effect until such time as the same are changed by the Commission in the manner herein designated; provided, that said Commission shall have the right, power and authority when properly petitioned to alter, and change the boundaries of, or entirely do away with and abandon any preserve or refuge, excepting the Sun River Game Preserve, when in the opinion of said Commission, it is to the best interest to do so.

Section 3677. **Posting and Publication of Orders, Rules, and Regulations of Commission.** The orders, rules and regulations of the State Fish and Game Commission shall be published and posted in the following manner:

(1) Those having general application

throughout the State shall be published in such manner and to such an extent as the State Fish and Game Commission deems necessary and may direct.

(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations, or orders are applicable, and shall be posted in three conspicuous places in the locality or district in which they are applicable.

Section 3678. **Effect of Orders, Rules, and Regulations.** All orders, rules and regulations for the enforcement of the powers granted to the State Fish and Game Commission shall take effect and be in force, after publication and posting as in this chapter prescribed, and when so published or posted shall constitute legal notice.

Chapter 224, Laws of 1947

Section 2. That Section 3679, R.C.M. 1935, be, and the same is hereby amended to read as follows:

Section 3679. **Penalty for Violations of Orders, Rules and Regulations of Commission.** Any person who shall violate any of the provisions of any order, rule, or regulations of the State Fish and Game Commission made pursuant to the authority given said Commission by any of the laws of Montana, particularly including Sections 3650 to 3778.8 inclusive, R.C.M. 1935, and all acts amendatory thereof or supplemental thereto shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon convic-

tion shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Section 3680. **Effect Partial Invalidity of Act.** If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this act.

Chapter 37, Laws of 1949

An Act to Amend Section 3681, of the Revised Codes of Montana, 1935, Relating to Definitions of Commission, Person, Open Season, Closed Season, Angling or Fishing, Upland Game Birds, Migratory Game Birds, Non-Game Birds, Game Animals, Fur-Bearing Animals, Predatory Animals, and Game Fish.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3681, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3681. **Definitions.** For the purpose of this Act, the following shall be construed, respectively, to mean:

Commission. The State Fish and Game Commission.

Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

Open Season. The time during which

game birds, fish, game and fur-bearing animals **may** be lawfully taken.

Closed Season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

Angling or Fishing. The taking of, or attempting to take fish by hook and line or rod in hand.

Upland Game Birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen, or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese pheasant and Mongolian pheasant, commonly called ring-necked pheasant, Hungarian partridge, ptarmigan, and wild turkey.

Migratory Game Birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown sandhill and whooping cranes; rails, including coots, gallinules, sora or other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes, or jacksnipes, snipes, stilts, plovers, willets and yellow legs; and mourning or turtle doves.

Non-Game Birds. All wild birds not defined herein as upland game birds or migratory game birds, shall be deemed non-game birds.

Game Animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, and bear.

Fur-Bearing Animals. Marten or sable, otter, fox, muskrat, fisher, mink, raccoon, and beaver.

Predatory Animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civet-cat, black-footed ferret, and bobcat.

Game Fish. All species of the family Salmonidae (chars, trout, and salmon); all species of the family Thymallidae (Grayling); all species of the family Coregonidae (whitefish); all species of the genus Stizostedion (sand pike or sauger and walleyed pike or yellow pike perch); all species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the **genus Micropterus (bass)."**

Section 2. All Acts and parts of acts in conflict herewith are hereby repealed.

Chapter 224, Laws of 1947

Section 3. That Section 3682 R.C.M. 1935, be, and the same is hereby amended to read as follows:

Section 3682. **License Required.** It shall be unlawful and a misdemeanor punishable as provided by Section 3706 R.C.M. 1935, for any person to pursue, hunt, trap, take, shoot, kill or attempt to trap, take, shoot, or kill, any game animal, or any game bird, or any fur-bearing animal, or to take, kill, trap, or fish, for any fish within this State, or to have, keep or possess within this State, any game animal, game bird, fur-bearing animal, or game fish, or parts thereof, except as herein provided or shall be provided by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish except at the places and during the periods and in the manner herein defined or shall be defined by the State Fish and Game Commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take,

shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish within this State, or have, keep, possess, sell, purchase, ship or reship, any imported or other fur-bearing animal, or parts thereof, without first having obtained a proper license or permit from the Commission so to do.

Chapter 84, Laws of 1947

An act to amend Section 3684 of the Revised Codes of Montana, 1935, relating to the Application for Hunting and Fishing Licenses, and Penalty for Making False Statement in Application for License.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3684 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3684. **Application for License.** Such license shall be procured from the State Fish and Game Warden, or any Deputy State Fish and Game Warden or any **authorized agent of the State Fish and Game Warden.** The applicant shall state his name, age, occupation, place of residence, post office address, the length of time in the State of Montana, whether a citizen of the United States or an alien, and such other facts, data or descriptions as may be required by the commission. The statements made by the applicant shall be subscribed and sworn to before the officer or agent issuing said license.

Any person who shall swear or affirm to any false statement in the application for a hunting or fishing license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided

in Section 3706, Revised Codes of Montana, 1935, as now or hereafter codified.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Chapter 156, Laws of 1949

An Act to Amend Chapter 88, Laws of the Thirtieth Legislative Assembly, 1947, Relating to the Appointment of License Agents for the State Fish and Game Commission, Fixing Their Bond and Compensation; Providing for Remittance of License Fees and Reports; Providing that License Agents May Administer Oaths to Applicants for Licenses, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 88, Laws of the Thirtieth Legislative Assembly, 1947, shall be amended to read as follows:

"Section 1. The State Fish and Game Warden shall have authority to appoint license agents as needed to sell state hunting and fishing licenses, according to such rules and regulations as the Commission shall prescribe.

Section 2. Each appointed license agent shall furnish a corporate surety bond in **an** amount **equal to** One Thousand Dollars ($1,000.00), **or in an amount equal to the value of the licenses received for distribution, said amount to be fixed at the discretion of the State Fish and Game Warden. Said bond shall secure the faithful performance of the duties imposed on**

the license agent, the accounting for and payment of all moneys received from the sale of hunting and fishing licenses to the State of Montana and that such license agent shall properly account for all unsold licenses annually on April **1st**, or at any other time at the request of the State Fish and Game Warden.

All money received for the sale of licenses shall at all times belong to the State of Montana, and in case of an assignment for the benefit of reditors, receivership or bankruptcy, the State of Montana shall have a preferred claim against the assets and estate of said license agent for all moneys owing the State of Montana.

Section 3. License agents, except salaried deputy fish and game wardens, shall receive for all services rendered the sum of ten cents (10¢) for each license issued. On or before the 10th day of each month each license agent shall submit to the State Fish and Game Warden all duplicates of each class of licenses sold during the preceding month and shall accompany such duplicate licenses with lawful remittance of all moneys received for the sale thereof, less a fee of ten cents (10¢) for each license sold. Each license agent shall keep his license account open to inspection at all reasonable hours by the State Fish and Game Commission, the State Fish and Game Warden, or his deputies, or the State Examiner.

Section 4. Appointments of license agents shall be nontransferable, and shall be valid only while the licensee is in business, or in the employ of **the** business concern for which appointment has been made, and may be summarily revoked at any time by the State Fish and Game

Warden for noncompliance with the provisions of this Act or other regulations. Duly appointed license agents are hereby authorized to administer oaths to applicants for hunting and fishing licenses.

Section 5. All appointments of, or authorizations to, persons or corporations to sell hunting and fishing licenses issued prior to the passage of this Act shall be subject to the provisions hereof."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Chapter 32, Laws of 1949

An Act to Amend Sections 3685 and 3685.3, Revised Codes of Montana, 1935, as Amended by Chapter 174 of the Laws of the Twenty-sixth Legislative Assembly, 1939, and as Amended by Chapter 215 of the Thirtieth Legislative Assembly, 1947, Relating to the Classes of Licenses for Hunting and Taking Game and Fish and Fur-bearing Animals Within the State of Montana; The Fees and Powers Under Such Licenses; Providing Rules for Determining Residence for the Purpose of Issuing Resident Hunting and Fishing Licenses; Providing the Penalty for Violation of the Act, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 3685 and 3685.3 of the Revised Codes of Montana, 1935, as amended by Chapter 174 of the Laws of the Twenty-sixth Legislative Assembly, 1939, as amended by Chapter 215

of the Laws of the Thirtieth Legislative Assembly, 1947, be, and the same are hereby amended to read as follows:

"Section 3685. **Fees and Powers Under Licenses—Tagging of Carcasses. Any** resident **citizen** of the State of Montana shall pay to the officer or person countersigning and issuing the license the sum of three dollars ($3.00) as a license fee, and shall obtain a license of Class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this Act.

Said **resident citizen who is the holder of a Class A license** shall pay to the officer or person countersigning and issuing the license the sum of two dollars ($2.00) and shall obtain a license of Class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess any of the game animals of this State as authorized by this Act.

Any citizen of the United States who has continuously resided in this State at least six (6) months immediately preceding his application for a hunting or a fishing license shall be eligible to purchase resident hunting or fishing license.

Officers, soldiers and sailors of the United States Army, Navy, Air Forces, Marine or Coast Guard, who are assigned to duty in Montana, and after a period of thirty (30) days of residence within Montana upon presenting assignment orders emanating from the proper Unit Commander, shall be considered residents for the purpose of this Act. The thirty (30) day resident requirement is waived in time of war.

In determining the place of residence

for the purpose of issuing hunting and fishing licenses, the following rules are to be observed:

1. The state in which a person last registered for voting and in which he is entitled to vote shall be deemed his place of residence.

2. The place where a man's family resides is presumed his place of residence.

3. A person must not be considered to have gained a residence in this State into which he comes for a temporary purpose and from which he returns to his fixed place of habitation.

4. A person must not be held to have lost his residence by reason of prolonged absence while employed in any service of the United States or of this State.

5. Any person in possession of first citizenship papers only, shall not be considered a resident citizen of the State of Montana.

6. That place must be considered and held to be the residence of a person in which his habitation is fixed and to which, whenever he is absent, he has the intention of returning, except that if a person removes to another state with the intention of remaining for an indefinite time as a place of residence, he loses his residence in this State notwithstanding he entertains an intention of returning at some future time.

Said applicant, if a non-resident of the State or a resident citizen for less than six (6) months immediately preceding his application for a license shall pay to the officer countersigning and issuing the license the sum of ten dollars ($10.00) as a license fee, and shall obtain a Class B li-

cense, which shall entitle the holder to fish with hook and line or rod in hand, as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Twenty-five dollars ($25.00) as a license fee, shall obtain a Class B-1 license, which shall entitle him to pursue, hunt, shoot, kill, capture, and take game birds as authorized by this Act; and such non-resident, on like application and on the payment of the sum of one hundred dollars ($100.00) as a license fee, shall obtain a license of Class B-2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this Act.

To every license, whether issued to a resident or non-resident, which authorizes the licensee to kill elk, deer, **moose or antelope** in this State, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the State Fish and Game Commission, and when any person shall take or kill any deer, elk, **moose or antelope** under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals the proper tag, coupon or other marker, **completely filled out with the name of the license holder, address, date the animal was killed, the place the animal was killed, and any other information requested,** which tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. **Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally**

taken game animal and when the proper tag, coupon or other marker is attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to transport the same accompanies the shipment. **Whenever any person who shall kill any deer, elk, moose or antelope by authority of any license issued for the killing of such game animal, shall fail or neglect to fill out and attach the tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope, or portions thereof, said person shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 3706, of the Revised Codes of Montana, 1935.**

The applicant for a Class D or trapper's license, must be in possession of a Class A license, and upon the payment of ten dollars ($10.00), shall receive and obtain a Class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission, and at such places as may be designated in said license."

"Section 3685.3. **License Fee — Rights Under License — Term. Any non-resident** of the State of Montana, **may** pay to the officer or person countersigning and issuing such license the sum of two dollars and fifty cents ($2.50) as a license fee and shall obtain a license of Class BB, which shall entitle the holder to fish with hook and line or rod in hand, as authorized and

limited by law, for a period of three (3) days from and after the date of issuance of such license."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3685.5. **Bounties Paid from Fish and Game Fund.** The Fish and Game Commission shall pay bounty claims for wild animals which have been filed, registered and approved in the office of the Livestock Commission; the State Fish and Game Commission is empowered to and shall pay out of the State Fish and Game Funds other than those funds derived from license fees paid by hunters and fishermen for bounties on predatory wild animals, as such bounty claims are presented, not exceeding Seven Thousand Five Hundred Dollars ($7,500.00) per calendar year.

The Livestock Commission shall, after the filing, registration and approval of the bounty claim or certificate in its office, deliver the same to the office of the State Fish and Game Commission for rejection or approval. If such claim or certificate is rejected it shall be returned by the Fish and Game Commission to the Livestock Commission and if approved it shall be delivered to the State Board of Examiners for allowance or disallowance. Provided, however, that nothing herein shall be construed as taking from the Fish and Game Commission the exclusive power to administer said funds at their discretion.

If the State Board of Examiners approve and allow any such claim or certificate, they must endorse thereon over their signatures, "Approved for the sum of .....dollars," and transmit the same to the Auditor, and the Auditor must draw

his warrant on the State Fish and Game Fund for the amount so approved and allowed, in favor of the claimant, or his assigns, in the order in which the same is approved.

Section 3688. **Form and Contents of Licenses.** The form of the license shall be determined and the license blanks prepared by the Commission and by it furnished to the officers and persons authorized to issue the same. Said licenses shall be issued in the name of the Commission and be countersigned by the officer or person issuing the same. Each license issued shall be signed by the licensee in ink or indelible pencil on the face thereof.

Chapter 224, Laws of 1947

Section 4. That Section 3689 R.C.M. 1935, be, and the same is hereby amended to read as follows:

Section 3689. **Carrying and Exhibiting License.** It shall be unlawful and a misdemeanor punishable as provided by Section 3706 R.C.M. 1935, for any person to whom a license or permit has been issued to fish for or take any fish, or pursue, hunt, shoot, kill, or take, any game bird or game animal or attempt to trap, or trap, or take any fur-bearing animal in this state unless at the time he shall have such license or licenses, or permit, in his possession, and it shall be unlawful to refuse to exhibit the same for inspection to any Deputy State Fish and Game Warden or other officer requesting to see the same.

Section 3690. **Termination of License.** Such licenses shall be void after the thirtieth (30th) day of April next succeeding their issuance.

Section 3691. **Animals Which May Be Hunted Without License—Persons Under**

Fifteen Years of Age Not Required to Have License. The provisions of the Act shall not apply to persons pursuing, hunting, capturing, shooting, killing, taking, or trapping, or attempting to kill, take or trap, predatory animals, prairie dogs, ground squirrels, jack rabbits, gophers, or English sparrows, crows, hawks, fish ducks, blue heron, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies, jays and eagles, which may be pursued, hunted, taken, killed, shot, trapped, possessed or transported at any time; and minors under fifteen (15) years of age may pursue, hunt, shoot, kill, take and capture game birds, and fish for and take fish, during the open season without a license.

Section 3692. **Alteration or Transfer of License.** No person shall at any time alter or change in any material manner, or loan or transfer to another, any license, issued in pursuance to the provisions of this Act, nor shall any person other than the person to whom it is issued use the same. Any person who shall swear or affirm to any false statement in application for a hunting, fishing or trapping license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly. Any false statement contained in any application for such license shall render the license null and void.

Section 3693. **Report.** On the thirtieth (30th) day of April of each year, each Deputy or Special Deputy Fish and Game Warden and each other officer or person authorized to issue licenses, shall detach the stubs of licenses issued by him, and forward the same, together with all unused licenses, securely attached to a report of the number issued and the amount

of license money received, to the State Fish and Game Warden, whose duty it shall be to see that proper returns are made to him by all such wardens, other officers or persons; and the State Fish and Game Warden shall recapitulate and tabulate the total number of licenses of all kinds issued in the State and the fees received therefor, and he shall include such data in his report remitting the fees to the Treasurer.

Chapter 157, Laws of 1949

An Act to Amend Section 3694, Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 159, Session Laws, 1941, and by Section 5, Chapter 224, Session Laws, 1947; Relating to Fish and Game.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3694, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 159, Session Laws, 1941, and by Section 5, Chapter 224, Session Laws, 1947, be, and the same is hereby amended to read as follows:

"Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.**

1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or

other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set gun, or trap or other device to entrap game fish be used, made or set.

2. No game birds or game or fur-bearing animals shall be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

3. No person shall take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

4. No person shall chase with dogs any of the game or fur-bearing animals as defined by the Fish and Game Laws of this State; provided, however, that livestock owners, employees of the State Fish and Game Commission and of the United States Bureau of Biological Survey may use dogs in pursuit of stock-killing bears,

or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the State Fish and Game Warden.

5. It shall be lawful to catch fish in the Yellowstone, Missouri, and Kootenai rivers at any season of the year with hook and line, or rod in hand, and non-game fish may be caught in such portions of said rivers as shall be designated by the Commission at any season of the year with set-lines, the Commission to prescribe the length thereof and the number of **hooks** thereon; provided however, that the Commission shall have the power to limit the fishing for ling to angling when it is ascertained that game fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of state during the open fishing season pertaining to such waters.

6. Game fish shall be taken only by angling, that is by hook and **single** line in hand or **single** rod in hand, **or within immediate control**; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a net not to exceed twelve (12) feet in length and three (3)

feet in width, in such waters as may be designated by the Commission.

7. It is herby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters of this State any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

8. It shall be unlawful to catch any game fish through the ice or through a hole in the ice, except in such waters as are designated under proper order of the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibition or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

9. The State Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. The said Commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the the season in the several localities on a Sunday.

10. Whenever said Fish and Game Commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this Act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the Fish and Game Laws.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be punishable as provided by Section 3706 Revised Codes of Montana, 1935."

Section 2. All acts or parts of acts in conflict herewith are hereby repealed

Section 3694.1. **Penalty for Violations.** Any person who shall pursue, hunt, trap, possess, take, capture, shoot or kill any fish, game bird, game or fur-bearing animals or have, keep, possess, sell, purchase, ship or reship any game fish, game bird, game or fur-bearing animals of this State in any manner contrary to the provisions of this act or to the orders, rules and regulations of the Fish and Game Commission made pursuant to the authority given it under this act, shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one hundred eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his License to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

Chapter 108, Laws of 1945

An act to amend Section 3694 of the Revised Codes of Montana, 1935, as amended by Chapter 159, Laws of the Twenty-seventh Legislative Assembly by adding a sub-section thereto to be known as Section 3694.2, defining the term "public highway" as used in said section 3694.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3694 of the Revised Codes of Montana, 1935, as amended by Chapter 159 of the Session Laws of the Twenty-seventh Legislative Assembly of Montana, be and the same is hereby amended by adding a sub-section thereto, to be known as Section 3694.2, reading as follows:

Section 3694.2. That the term "Public Highway" as used in said Section 3694 shall be construed to mean that part of the highway from the center line to the edge of the grade thereof, or to the edge of the traveled part of the highway, if same is ungraded.

Chapter 100, Laws of 1949

An Act to Amend Chapter 308, of the Revised Codes of Montana, 1935, Relating to the Protection of Fish and Game, by Adding a Sub-section to be Known as Section 3694.3, Relating to the Authority of the Fish and Game Commission to Prohibit the Use of Small Fish, Dead or Alive, in Certain Streams or Lakes in the State of Montana; and Making It Unlawful for Any Person or Persons to Transplant or Introduce Any Species of Fish, Game Birds or Game Animals Without Authorization From the Fish and Game Commission; and Providing Penalties for Violation of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 308, of the Revised Codes of Montana, 1935, relating to the protection of f i s h and g a m e, be

amended by adding a new section to be known as Section 3694.3, as follows:

"Section 3694.3. **Restrictions on use of fish as bait—Commission must authorize introduction of fish or game.** The State Fish and Game Commission shall have authority to prohibit the use of small fish as bait for catching fish in only such waters that the Commission has reclaimed for the propagation of game fish, and may further restrict the use of any small fish in other streams or lakes except such species of fish as are commonly known to be present in such stream or lake.

It shall be unlawful for any person or persons to transplant or introduce any fish or fish eggs into any body of water in the State, or it shall be unlawful for any person or persons to transplant or introduce any species of game birds or game animals into the State of Montana without first having obtained authorization from the Fish and Game Commission.

Any person found guilty of a violation of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 3706, Revised Codes of Montana, 1935."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 125, Laws of 1949

An Act to Amend Section 3695, of the Revised Codes of Montana, 1935, Relating to Private Artificial Lake or Pond, Stocking, License, Bond, Reports, and Restrictions on Catching Fish; Providing the Penalty for Violation of the Act; and Repeal-

ing Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3695 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3695. **Private Artificial Lake or Pond—Stocking—License—Bond—Reports—Restrictions on Catching Fish—Penalty for Violation.** Any person who owns or lawfully controls an artificial lake or pond **may apply to the State Fish and Game Warden for a fish pond license. Any holder of a private fish pond license may stock such fish pond with fry procured from any lawful source provided that the State Fish and Game Commission may designate the species of fish which may be released in said pond when said pond is so located that there is a possibility of fish escaping from the pond into adjacent streams or lakes.** Such private pond license holder shall have the right to take fish from said lake or pond in any manner. Before any private pond license holder may sell fish or eggs or fry therefrom, he shall be required to furnish a corporate surety bond to the State of Montana in the sum of **Five Hundred Dollars ($500.00),** conditioned to the effect that he will not sell fish **or spawn taken from fish** caught in any of the public waters of this State, and also conditioned to the effect that he will report to the **State Fish and Game Warden** the quantity of fish, fish eggs, and spawn taken from said lake or pond, **said report to be made under oath annually during the month of January each year. A record of all transactions**

must be kept showing the species and numbers or pounds of fish sold, number and species of eggs sold, number and species of fry sold, name of person or persons to whom sold and date of transaction.

The **term** 'artificial lake or pond' as herein used shall not be construed to include any natural pond or body of water created by natural **means, nor any portion of the stream bed or of the lake bed thereof,** but shall be limited only to such bodies of water created by artificial **means** or diversion of water and shall not exceed five hundred acres (500) of surface area.

Any person or persons violating any provision of the Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Section 3706, Revised Codes of Montana, 1935.'

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 160, Laws of 1941

An act to amend Section 3696 of the Revised Codes of Montana, 1935, relating to Open Season for Elk—Waste of Meat and Penalties for Violation of this act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696 of the Revised Codes of Montana, be, and the same is hereby amended as follows:

Section 3696. **Open Season for Elk—Waste of Meat Unlawful.** Hereafter when the State Fish and Game Commission has fixed an open and closed season on elk in any specified locality or localities, or the entire State, as authorized in Section 3653 of the Revised Codes of Montana of 1935,

it shall be unlawful during the closed season for elk, for any person to take, hunt, shoot, kill, or capture, or cause to be taken, shot, killed, or captured, any elk.

It shall be unlawful and a misdemeanor for any person responsible for the death of any elk to waste any portion or portions of said elk suitable for food.

Provided, therefore, that nothing herein shall be construed to authorize the hunting of game of any kind within the boundaries of any game preserve or refuge now established by the State Legislature, or by order of the State Fish and Game Commission.

Any person violating any of the provisions of this Section or any of the orders of the State Fish and Game Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than Fifty Dollars ($50.00), or more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days, or not more than six (6) months or by both such fine and imprisonment.

Chapter 102, Laws of 1949

An Act to Repeal Section 3696.1, of the Revised Codes of Montana, 1935, Relating to the Open Season for Elk in Teton County and Authority of Game Warden to Shorten.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696.1, of the Revised Codes of Montana, 1935, be, and the same is hereby repealed.

Section 6. That Section 3696.2 R.C.M. 1935, be, and the same is hereby amended to read as follows:

Section 3696.2. **Taking More Than One (1) Elk During Open Season, Hunting During Closed Season, Wasting Meat.** During the open season for elk in any territory or during any period of time that the hunting or killing of elk is or may hereafter be made lawful, it shall be unlawful and a misdemeanor punishable by a fine of not less than two hundred dollars ($200.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment, for any person to shoot, kill, take, or cause to be shot, killed or taken, more than one (1) elk or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken, captured, or attempt to shoot, kill, or take any elk within said territory, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food.

Section 3696.3. **Penalty for Violation.** Any person violating any of the provisions of this act or any of the orders, rules or regulations of the Montana Fish and Game Commission relating hereto, or made pursuant to the authority given it by this act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred

Dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Chapter 105, Laws of 1947

An act to amend Section 3696.4 of the Revised Codes of Montana, 1935, as amended by Chapter 96, Laws of 1943, relating to the Open Season for Elk in Park County and Authorizing the Fish and Game Commission to Shorten the Season.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3696.4 of the Revised Codes of Montana, 1935, as amended by Chapter 96, Laws of 1943, be and the same is hereby amended to read as follows:

Section 3696.4. **Open Season for Elk in Park County—Authority of Fish and Game Commission to Shorten.** That the open season for elk in Park county, Montana, shall begin October 15 and end January 31, both dates inclusive; provided, however, that the Montana State Fish and Game Commission shall, in its discretion have power to shorten such season in said territory after sufficient elk have been killed and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than two days' notice thereof, by publishing such notice in at least one newspaper of general circulation, circulated in said county, which said publication shall be at least two days prior to the time fixed by such Commission for the closing of such season. In addition to publishing notice, announcement

shall also be given over the radio and notices shall be posted on the Gardiner and Jardine roads in at least four places where they are plainly visible to all travelers.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Section 3696.5. **Taking More Than One Elk During Open Season, Hunting During Closed Season, Wasting Meat Declared Unlawful.** During the open season for elk in the territory described and set forth in Section 3696.4, it shall be unlawful and a misdemeanor punishable as hereinafter provided, for any person to shoot, kill, take, or cause to be shot, killed, or taken more than one elk or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken or captured, or attempt to shoot, kill, or take any elk within said territory, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food.

Section 3696.6. **Penalty for Violations.** Any person violating any of the provisions of this Act or any of the orders, rules, or regulations, of the Montana State Fish and Game Commission, relating hereto, or made pursuant to the authority given it by this Act, or other law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail

for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Chapter 161, Laws of 1941

An act to amend Section 3697 of the Revised Codes of Montana, 1935, relating to Open Season for Deer—Waste of Meat and Penalties for Violation of this act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3697 of the Revised Codes of Montana, be, and the same is hereby amended as follows:

Section 3697. **Open Season for Deer—Waste of Meat Unlawful.** Hereafter when the State Fish and Game Commission has fixed an open season on deer in any specified locality or localities, as authorized in Section 3653 of the Revised Codes of Montana of 1935, it shall be unlawful during the closed season for deer, for any person to take, hunt, shoot, kill, or capture, or cause to be taken, hunted, shot, killed, or captured, any deer.

It shall be unlawful and a misdemeanor for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

It shall be unlawful to shoot, kill, take, or cause to be shot, killed, taken, or captured, or to attempt to shoot, kill, take, or capture any deer within the boundaries of any incorporated or unincorporated city or town in the State.

Provided, therefore, that nothing herein shall be construed to authorize the hunting of game of any kind within the boundaries of any game preserve or refuge now established by the State Legislature or by

order of the State Fish and Game Commission.

Any person violating any of the provisions of this Section or any of the orders of the State Fish and Game Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a minimum fine of Twenty-five Dollars ($25.00) or a maximum fine of Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not less than ten (10) days, or more than one hundred eighty (180) days, or by both such fine and imprisonment.

Chapter 136, Laws of 1947

An act to Empower the State Fish and Game Commission to Issue Special Licenses or Otherwise Dispose of Deer of Either Sex when Damaging Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Power of Commission to Provide for Disposal of Deer Increasing in Number and Damaging Property.** Whenever deer of either or both sexes within the State of Montana have increased in number to such extent that, in the judgment of the State Fish and Game Commission, their number should be reduced, or special or private property is being actually and materially damaged or destroyed, by said deer, and written complaint of such damage has been filed with the State Fish and Game Commission by the owners of such property, the said Commission shall have the power and authority whenever, in its opinion, conditions warrant to take, kill, remove or dispose of such deer of either or both

sexes under such rules and regulations and conditions as it may prescribe and promulgate; providing that the Fish and Game Commission may open the season on such deer of either or both sexes and may issue special licenses in a limited number depending upon the number of deer to be killed and in determining to whom these licenses shall be issued, the commission shall when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. Each application shall be accompanied by a fee of five dollars ($5.00) which fee shall be refunded to the applicant in the event such applicant is not awarded a special license or permit. Special licenses as herein authorized may be issued to only those holding big game licenses and be limited to only one deer of either sex, the sex of which shall be designated on such special license or permit. The animal must be tagged with a special tag or permit issued by the Fish and Game Commission.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3697.1. **Taking Deer Within Boundaries of Cities or Towns Unlawful—Penalty.** It shall be unlawful to shoot, kill, take, or cause to be shot, killed, taken or captured, or to attempt to shoot, kill, take or capture, any deer within the boundaries of any incorporated or unincorporated city or town of this state.

Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than Five Hundred Dollars ($500.00), or by imprison-

ment in the county jail for a period of not less than ten (10) days nor more than one hundred and eighty (180) days, or by both such fine and imprisonment, and in addition thereto shall forfeit his Fish and Game License for a period of one (1) year.

Chapter 99, Laws of 1949

An Act to Amend Section 3698, of the Revised Codes of Montana, 1935, As Amended by Section 7 of Chapter 224, Laws of 1947, Relating to the Destroying Evidence of Sex of Deer to Provide a Penalty for Destroying Evidence of Sex of Any Big Game Animal, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3698, of the Revised Codes of Montana, 1935, as amended by Section 7 of Chapter 224, Laws of 1947, be, and the same is hereby amended to read as follows:

"Section 3698. **Destroying Evidence of Sex Constitutes Misdemeanor.** Any person killing any **big game animal** within this State who shall destroy such evidence of the sex of **any big game animal** so killed, as to make the determination of the sex therefore uncertain, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in Section 3706, Revised Codes of Montana, 1935."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3699. **Closed Season for Rocky Mountain Sheep and Goats.** The entire State of Montana is hereby closed to the

shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats; provided, however, that the State Fish and Game Commission shall have the jurisdiction, power, and authority to open for limited periods of time any county in the State or any portion thereof to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats, and to establish bag limits. During the closed season for said Rocky Mountain sheep or goats herein named, which said closed season shall be all of that season or period of the year and not declared and ordered open by said Commission, it shall be unlawful, and a misdemeanor for anyone to shoot, kill, take, or capture, or cause to be shot, killed, taken, or captured any of the Rocky Mountain sheep or goats of this State, and any one violating any of the provisions of this section or the orders, rules, or regulations of the Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00), or not less than ten (10) days' imprisonment in the county jail nor more than ninety (90) days' imprisonment in the county jail, or by both such fine and imprisonment.

Section 3699.1. **Big Game Hunters to Wear Red Garments.** It shall be unlawful for any person to hunt any of the big game animals in this State under any of the provisions of the laws of this State without such person wearing a cap or hat, shirt jacket, coat or sweater of a bright red color.

Section 3699.2. **Penalty for Violation.** Any person convicted of a violation of any

of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Two Dollars and Fifty Cents ($2.50) or more than Five Dollars ($5.00).

Section 3700. **Penalty for Violating Closed Season on Certain Game Birds. Power of Commission to Open Season.** Any person who, at any time within this State, hunts, shoots, kills, captures, or causes to be shot, killed, or captured, or attempts to shoot, kill, or capture any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian partridge, ptarmigan or wild turkey, or has in his possession any of such birds or any part of any such birds, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Two Hundred Fifty Dollars ($250.00), or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment, provided that the Commission shall have the jurisdiction, power and authority to open for limited periods of time, any county in the State or any portion thereof, to the hunting, shooting, killing, taking, or capturing of any of the birds herein mentioned, when in its opinion, conditions will justify the same, and to declare the number and sex of birds to be taken, killed, or possessed in any one day of said open season or for the entire open season so created by said Commission.

Chapter 162, Laws of 1941

An act to amend Section 3703 of the Revised Codes of Montana, 1935, Relating to

Closed Season and Bag Limits on Migratory Game Birds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3703 of the Revised Codes of Montana, be, and the same is hereby amended as follows:

Section 3703. **Closed Season and Bag Limits on Migratory Game Birds.** Laws relating to migratory birds are prescribed by the United States Department of Agriculture. Open season, bag limit and other rules and regulations are announced each year by proclamation by the President of the United States. After each proclamation, the State Fish and Game Commission by proper action will adopt, advertise and enforce such proclaimed regulations as may be applicable to the State of Montana.

Chapter 224, Laws of 1947

Section 8. That Section 3704 R.C.M. 1935, as amended by Section 1, Chapter 95, Session Laws of 1943, be, and the same is hereby amended as follows:

Section 3704. It shall hereafter be unlawful and a misdemeanor for any person to shoot, trap, kill, or capture, or cause to be shot, trapped, killed, or captured, or attempt to shoot, trap, kill, or capture any marten or sable, otter, fox, mink, muskrat, raccoon, or fisher until such time as the Commission shall provide an open season on any marten or sable, otter, fox, mink, muskrat, raccoon, or fisher; provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irrigation project or district, any resident

land owner on such project or district may kill or trap or caused to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the State Fish and Game Warden a permit so to do, except that from June First (1st) to August Thirty-first (31st), both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time except as hereinafter provided.

Any person trapping marten during the open season thereon shall present all skins or pelts of marten so taken to the deputy game warden residing in the district where the pelts were taken, and shall furnish an affidavit, giving his name, residence, license number, the date and place of capture, and the number of marten so taken, and if the warden is satisfied of the legal taking of the same, he shall attach a number metal tag to each skin covered by the affidavit; no charge shall be made for tags and the pelts so tagged may be bought, sold or transported at any time within the State of Montana, but no marten skin shall be exported in any manner from the state without the shipper first optaining a shipping permit from the State Fish and Game Warden, the application for which shall show the number of the metal tags attached to said marten skins.

A record of tags so issued shall be kept in the office of the State Fish and Game Warden.

Any person who shall receive or bring into from without the State any marten skin or skins with a numbered metal tag of another state or untagged marten skins coming from without the State where the state in which the marten skins were caught does not require that metal tags be attached before shipment, shall report their arrival within ten (10) days to the State and Fish and Game Warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the State, and the numbers designated from the tags, and the name of the state so tagging the same, and it shall not be necessary for such skins to be retagged with a Montana tag nor any other fees paid therefor.

It shall be a misdemeanor, punishable as hereinafter provided, for any person to remove any tag from such skins or to buy, sell or transport untagged marten skins, except as provided in this act, or fail to have tags attached to marten skins as herein provided within twenty (20) days of the expiration date of the open season thereon.

It shall be unlawful and punishable, as in this act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver.

Any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 3706, of the Revised Codes of Montana, 1935.

Section 3704.1. **Trapper's License for Trapping on Owner's Land—Fee—Privil-**

eges. A license to trap may be procured by the owner or tenant, or members of the immediate family thereof, or real estate for the purpose of trapping on his own land or land leased by him, upon a payment of a license fee of One Dollar ($1.00) and on making an application such as required for other trapping licenses, by the laws of this State. No other licenses shall be required of such applicant. Such license shall authorize the holder thereof to trap any fur-bearing animals except beaver on lands owned or leased by him at such times and in such manner as may be lawful so to do under the laws of this State and the regulations of the Fish and Game Commission and at such places as may be designated in said license.

Section 3705. **Costs.** In any case where costs have been incurred by a county in a prosecution for the violation of any of the provisions of this act, or of any other laws of the State of Montana, with reference to fish and game, a cost bill, including the cost of board of a prisoner, shall be prepared and presented to the State Board of Examiners, and if approved by it, the State Treasurer shall thereupon pay the same out of the Fish and Game Fund of the State, to the County Treasurer of the county incurring such costs and expenses.

Chapter 224, Laws of 1947

Section 9. That Section 3706 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Section 3706. **Penalty.** Any person

violating any provision of any statute of the State of Montana pertaining to fish and game including the provisions of Sections 3650 to 3778.8 inclusive, R.C.M. 1935, and all acts amendatory thereof or supplemental thereto, shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. In addition thereto such person shall in the discretion of the court, forfeit his License to hunt, fish or trap within this State for a period of one (1) year from the date of his conviction.

Chapter 121, Laws of 1947

An Act to amend Section 3708, of the Revised Codes of Montana, 1935, Relating to Alien Gun License.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3708, of the Revised Codes of Montana, 1935, be, and the same is amended to read as follows:

3708. There is hereby created a gun license for aliens. No person not a bona fide citizen of the United States, shall own or have in his possession, in the State of Montana, any gun, pistol, or other firearm without first having obtained from the fish and game warden a license therefor, which said license shall cost the owner of said firearm the sum of twenty-five dollars ($25.00), and shall expire one (1) year from date of issuance thereof; provided, however, that the provisions of

this section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty (160) acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire land under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals held in herd.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Chapter 224, Laws of 1947

Section 10. That Section 3709 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3709 **Failure to Procure Alien Gun License.** Any alien of the United States who shall have in his possession or under his control any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in the preceding section, shall be guilty of a misdemeanor, and shall be punishable in the manner provided by Section 3706 R. C. M. 1935.

Section 3710. **Confiscation of Fire Arms Illegally in Possession of Aliens.** It shall be the duty of the Fish and Game Warden and his duly authorized Deputies and of all peace officers in the State of Montana, to search for and take into their possession any gun, pistol or other firearm

found in the possession of any alien not entitled to hold or possess same, and to sell same, and all of the provisions of Section 1959 of the Revised Codes of Montana shall apply to the enforcement of this Act.

Section 3711. **Disposition of Fines.** All fines and other moneys collected under the provisions of this Act, when arrest has been made by the Fish and Game Warden and his Deputies, shall be paid into the fund known as the "Fish and Game Fund" and all fines and other moneys collected under the provisions of this Act, where the arrest has been made by peace officers, shall be paid into the school fund of the county where said action is tried or arrest made.

Section 3712. **Federal Government May Conduct Fish Hatching Operations in State.**.. That the government of the United States, the United States Commissioner of Fisheries, and its or his duly authorized agent or agents, be and they are hereby authorized, empowered and granted the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them or any of them, be considered necessary and proper, at any United States fish cultural station that may hereafter be established by the United States government in the State of Montana.

Chapter 221, Laws of 1947

Section 11. That Section 3713 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Section 3713. **Sale of Fish or Spawn Prohibited — Exceptions.** Every person who in any way catches any of the fish which in this act are classified as "game fish" or who shall remove or cause to be removed the eggs or spawn of any fish for speculative purposes, for market or for sale, or who shall sell or offer for sale any of the game fish of this state as in this act defined, or the eggs or spawn therefrom shall be deemed guilty of a misdemeanor and shall be punishable as provided by Section 3706 R. C. M. 1935; provided, however, that this section shall not apply to fish caught in private ponds by the owners thereof nor to the taking of fish by the state authorities for the purpose of obtaining eggs for propagation in state fish hatcheries, or by any person who receives a permit from the state fish and game commission to take eggs for said purposes.

Section 3714. **Method of Catching Fish —Use of Traps, Seines and Nets—Restrictions Concerning Possessions and Sale of Fish.** Every person who takes or catches fish in any of the waters of this State except with hook and line held in hand or line and hook attached to rod or pole held in hand, or who takes or catches fish with hook baited with any poisonous substance or by means of the use of any poisonous substances, including fish berries, or who takes or catches fish by means of the use of fish traps, grab hooks, seines, nets, or other similar means for catching fish, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 3706 and the amendments thereto; provided, however, that the Montana Fish and Game Commission shall have the power, authority, and jurisdic-

tion to designate such waters within the State of Montana, wherein, in the judgment of the members of said Commission, traps, seines, or nets may be used for the taking of non-game fish and Dolly Varden trout, and to close such waters so designated at the discretion of the Commission, and to permit the taking of black bass in Flathead Lake, the taking of all fish by said means in said waters when so designated to be done under such rules and regulations as said Commission may prescribe with reference thereto, and under the supervision of said Commission, and all such fish so taken may be possessed and sold in such manner and under such restrictions as said Commission may direct, all fish other than those herein designated so taken under said rules and regulations when prescribed by said Commission, shall be returned uninjured to the waters from which they were taken.

Section 3715. **Record of Seining Licenses—Refusal of License.** It shall be the duty of the State Game Warden to keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of applicant, the date of issue, the waters to be used in, and when revoked (should same be so revoked) and to pay all fees received for such licenses into the State Treasury to the credit of the Fish and Game Fund.

Should an application be made for a license by any person who has heretofore had a license revoked for cause, it shall be the duty of the State Game Warden to refuse the same, and no license shall be issued to any person whose license has been revoked for cause.

Section 3716. **Unlawful to Possess Net**

or Seine—Exceptions. Is is unlawful for any person or persons to have in their possession or under their control any seine, net or other similar device for capturing fish. A seine or net found in any vehicle, at the camp or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons occupying said camp or premises; provided, that nothing herein contained shall apply to the owners of private fish ponds as defined under the statute, nor to a person or persons having unexpired seine or net license, as provided for in the statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish; and provided further, that nothing herein contained shall apply to the possession of traps, seines or net where found in the vicinity of any waters which the Fish and game Commission have designated within the State, where traps, seines or nets may be used for the taking of non-game fish and Dolly Varden trout, as provided for in the statutes of Montana.

Chapter 101, Laws of 1949

An Act to Amend Section 3717, of the Revised Codes of Montana, 1935, Relating to the Use of Explosives or Poisons in Taking Fish; Providing Penalty, and to Exempt Persons Authorized By the Fish and Game Commission to Control Fish Populations From the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3717, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3717. **Use of Explosives or Poisons in Taking Fish Unlawfully, Penalty and Exceptions.** If any person or persons shall use any carbide, lime, giant powder, dynamite, or other explosive compounds, or any corrosive or narcotic poison or other deleterious substance, or have any of the same in his possession within one hundred (100) feet of any stream where fish are found, for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months or by both such fine and imprisonment. **The provisions of this section shall not apply to anyone duly authorized by the Montana Fish and Game Commission to conduct lake or stream surveys or to control undesireable or overpopulated species of fish."**

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3717.1. **Definition and Use of Lakes as Navigable Waters.** All lakes, wholly or partly within this state, which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all lakes which are navigable in fact, are hereby declared to be navigable and public waters, and all persons shall have the same rights therein and thereto that they

have in and to any other navigable or public waters.

Section 3717.2. **Navigable Streams.** All rivers and streams which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all rivers and streams which are navigable in fact are hereby declared navigable.

Section 3717.3. **Navigable and Public Water Open to Fishing.** Navigable rivers, sloughs or streams between the lines of ordinary high water thereof, of the State of Montana, and all rivers, sloughs and streams flowing through any public lands of the state, shall hereafter be public waters for the purpose of angling, and any rights of title to such streams, or the land between the high water flowlines or with the meander lines of navigable streams, shall be subject to the right of any person owning an angler's license of this state who desires to angle therein or along their banks to go upon the same for such purpose.

Chapter 224, Laws of 1947

Section 12. That Section 3718 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3718. **Dumping Refuse From Sawmill Into Streams.** No person or corporation operating a sawmill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, oil, ashes, cinders, or debris in or near any such stream, pond, lake or river, in such man-

ner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as provided by Section 3706 R. C. M. 1935.

Chapter 224, Laws of 1947

Section 13. That Section 3719 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3719. **Killing of Moose, Bison, Buffalo, Caribou, or Antelope.** Any person who wilfully shoots or kills, captures or causes to be shot or killed, or captured, any moose, bison, buffalo, caribou or antelope (and it is hereby made unlawful to kill any of said animals except as hereinafter stated) is guilty of a misdemeanor and shall be punished as provided by Section 3706 R. C. M. 1935.

Chapter 224, Laws of 1947

Section 14. That Section 3721.1 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3721.1. **Killing Game for Head, Hide, Antlers, Tusks or Teeth Unlawful.** Any person who at any time kills, captures or destroys any game animal of this state and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth or any, or all of the aforesaid parts, is guilty of a misdemeanor and punishable as provided by Section 3706 R. C. M. 1935.

Section 3721.2. **Failure to Dress Game as Prima Facie Evidence of Violation.** The failure of any person or persons to properly dress and care for any game

animal killed by such person or persons within twenty-four hours and take or transport to the camp of such person or persons such carcass within a reasonable time and there properly take care of the same shall be prima facie evidence of the violation of the provisions of this Act.

Section 3721.3. **Penalty.** Any person or persons violating the provisions of this Act shall be punishable by a fine of not less than $100.00 or more than $300.00, or imprisonment in the county jail for a term of not less than thirty days or more than six months, or both such fine and imprisonment.

Chapter 224, Laws of 1947

Section 15. That Section 3722 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3722. **Protection of Beaver—Permits and Fee—Tagging, Importing and Exporting of Skins—Expiration of Permit—Penalty for Violation.**

1. No person shall take, shoot, trap, kill, capture or attempt to take, trap, shoot, kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the state, or cause the same to be done, any beaver or any part thereof including skins or hides and castors whether taken within or coming from without the state, except as hereinafter permitted.

The State Fish and Game Warden may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to trap beaver on his own or leased premises only, and provided that the warden shall, when issuing the permit mentioned,

designate therein the maximum number of beaver that may be trapped under such permit. The fee for such permit shall be ten dollars ($10.00) for ten (10) or less number of beaver and one dollar ($1.00) per beaver for any number in excess of ten (10). All applications for beaver permits shall be filed with the State Fish and Game Warden, between the dates of May first (1st) and September thirtieth (30th) of each year. The term "premises" shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

That the state fish and game warden shall in person or, by deputy, examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Any person trapping beaver under a license or permit of the State Fish and Game Warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the Deputy State Fish and Game Warden residing in this county, or in event of such Deputy being absent or unable to act, then to the nearest Deputy from the place of the trappers's residence, and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture with the number so captured, together with fifty cents (50c) for each skin, and if such officer is satisfied of the legal taking of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the State Fish and Game Warden, and upon the receipt thereof the State Fish and Game Warden shall forward to such

Deputy numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon receipt of such tags, the deputy shall so attach them to the skins and shall receive from the owner ten cents (10c) for each skin so tagged by him, the same to be for his services.

A record of tags so issued shall be kept in the office of the State Fish and Game Warden.

Any person who shall receive or bring into from without the state any beaver skin or skins duly tagged with a distinctive numbered metal tag of another state, shall report their arrival within ten (10) days to the State Fish and Game Warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated on the tags, and the name of the state so tagging the same, and the same shall be accompanied by a fee of fifty cents (50c), and it shall not be necessary for such skins to be re-tagged with a Montana tag, nor any other fees paid therefor.

The State Fish and Game Warden shall keep a record of all skins so reported.

Each metal tag shall remain attached to the beaver skin to which it was originally affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the state. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skins to duplicate or reproduce such tags for fraudulent purposes or use contrary to the

provisions of this act, or to misuse any tag detached from the skin to which it was originally attached.

Beaver skins taken within the state under permit, and those coming from without the state, tagged as herein provided, may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the state without the shipper first obtaining an export or shipping permit from the State Fish and Game Warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of sixty cents (60c) for the permit for each shipment.

Any package offered for transportation from the state which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and consignee, the number and kind of skins contained therein, and the number of the shipping permit.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by Section 3706, Revised Codes of Montana, 1935. Any beaver skin or skins taken or found in this state or which have been shipped out of this state except as specifically permitted by this section are being hereby declared contraband and shall be seized by the State Fish and Game Warden, Deputy or other officer authorized to enforce the provisions of this Act. All skins so seized shall be marked or tagged for identification and sold by the State

Fish and Game Warden at public auction in the State of Montana, after advertising at least fifteen (15) days prior to the date of sale, and the proceeds therefrom turned into the State Treasury to be credited to the fish and game fund.

Beaver trapping permits issued under the provisions of this Act shall expire May first (1st) of each year, and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to June first (1st) following, shall be subject to seizure and sale as herein provided.

Chapter 173, Laws of 1943

An act to amend Chapter 308 of the Revised Codes of Montana of 1935, Relating to the Protection of Fish and Game by Adding a New Section to be Known as Section 3722 (A) Authorizing the Taking and Destruction of Beaver When Necessary to Protect Public Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 308 of the Revised Codes of Montana of 1935, be, and the same is hereby amended by adding a new section after Section 3722 to be known as Section 3722 (A).

Section 3722 (A). Whenever complaint is made to the State Board of Health that beaver are obstructing the free flow of a stream flowing through a settled area and into which sewage of a town or city is dumped, and the obstruction is such as to endanger public health the State Board of Health shall immediately investigate the facts regarding such complaint and if it finds that the work of the beavers en-

dangers public health, it shall report the facts to the Fish and Game Commission.

It shall thereupon be the duty of the Fish and Game Commission to immediately issue a permit, free of charge, to the landowner upon whose land the beaver dams are located for the removal of the beaver, the number of which shall be designated by the Deputy Game Warden making the inspection. The landowner shall remove all beaver as provided by the permit within ten days after its issuance and shall also within that period remove the dams. Should the landowner refuse to remove the beaver or the dams in the ten-day period, or if he does not desire to do so and advises the Fish and Game Commission, then the Fish and Game Commission is hereby authorized to remove such beaver by trapping or transplanting and to remove their dam by blasting or other means.

The Fish and Game Commission shall furnish all labor needed to blast out or otherwise remove any such beaver dams. Necessary explosives in such operations shall be furnished by the county in which the beaver dams are located.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Chapter 224, Laws of 1947

Section 16. That Section 3723 R. C. M. 1935, be ,and the same is hereby amended to read as follows:

Section 3723. **Protection of Wild Birds**

Other Than Game Birds. Any person who at any time shall hunt, capture, kill, possess, purchase, offer or expose for sale, ship, transport or cause to be shipped or transported any wild bird other than a game bird, or any part of the plumage, skin or body of any such bird, irrespective of whether said bird was captured or killed within or without the state, or take or destroy the nest or eggs of any such wild bird, except under a certificate or permit issued by the State Fish and Game Warden, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by Section 3706 R. C. M. 1935. The provisions of this section shall not apply to the hunting, trapping, or killing of English sparrows, crows, eagles, hawks, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies and jays and such other birds as the Fish and Game Commission shall designate, or the taking or destruction of their nests and eggs.

Chapter 224, Laws of 1947

Section 17. That Section 3724 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3724. **Destruction of Nests or Eggs of Birds or Wild Fowl.** Any person who shall wilfully destroy the nests, or carry away the eggs from the nests of any of the birds or wild fowls mentioned in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by Section 3706 R. C. M. 1935.

Chapter 224, Laws of 1947

Section 18. That Section 3725 R. C. M.

1935, be, and the same is hereby amended to read as follows:

Section 3725. **Possession of Unlawfully Killed Animals and of Unlawful Fishing Implements—Prima Facie Evidence—Penalty.**.. The possession of dead bodies, or any part thereof, of any of the game fish, game or non-game birds, game or fur-bearing animals defined by the fish and game laws of the State of Montana shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught or taken the same, and the possession of a fishing rod and line, spear, gig or barbed fork, on the banks or shores of a stream or lake shall be prima facie evidence that the person or persons in whose possession the same are found was using the same to fish.

Any person who shall possess, have or hold, or purchase, or keep in storage, or possess for any other purpose, any game fish, game bird, non-game bird, game animal, fur-bearing animal, or parts thereof, which shall have been unlawfully killed, captured, or taken, or who shall unlawfully use any fishing rod and line, or fishing lines, spear, gig or barbed fork, shall be guilty of a misdemeanor and punished as provided by Section 3706 R. C. M. 1935.

Section 3725.1. **Use of Anchored Snare Unlawful.** It shall be unlawful for any person to use, or attempt to use, any anchored snare trap for the purpose of snaring any animal or bird.

Section 3725.2. **Penalty**... Any person who violates the provisions hereof shall be guilty of a misdemeanor and shall be punished accordingly.

Section 3726. **Sale of Confiscated Birds and Animals.** All birds, animals, fish,

heads, hides, teeth or parts of any animal seized by any officer as herein provided, shall be sold, under the direction of the State Game Warden or his Deputies, at a time, place, and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the Game Warden, or his Deputies, shall give notice of the time and place of such sale, together with a description of the bird, or birds, fish, animal or animals, or parts or portions of animals to be sold by one publication, at least, in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable, the same may be sold by such officers without publishing a notice thereof, upon such public notice, and under such terms and conditions as, in the discretion of the officers, may seem conducive to secure the full value thereof.

Section 3727. **Certificate of Sale.** Upon the sale of such property, the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to be in possession of the same, and anyone so acquiring said property from the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein to the contrary, notwithstanding.

Section 3728. **Disposition of Proceeds of Sale.** The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of

seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said court of violation of the Fish and Game Laws of the State, the money received for the sale of said property shall be paid over to the State Treasurer, and be deposited by him to the credit of the Fish and Game Fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the Fish and Game Laws of this State, said money shall be paid to the party from whom said birds, animals, fish or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure, or sale as herein provided. Where wild animals, game birds or fish are seized as in this Act provided, and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such animals, game birds or fish, shall be paid direct to the State Treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the Fish and Game Fund.

Section 3729. **Record of Confiscated Property.** It shall be, and is hereby made, the duty of the State Game Warden, and of every Deputy Game Warden, to make a full and complete record of all property by them, or either of them, confiscated because of a violation of the Fish and Game Laws of this State, showing in detail a description of the property, the person from whom it was confiscated, the price received therefor upon public sale, and the disposition of the money. The State Game Warden shall keep in his office a permanent record showing all property

confiscated by him, or any of his Deputies, and the disposition made thereof under the provisions of this Act.

Chapter 146, Laws of 1945

An Act to Amend Section 3729.1 of the Revised Codes of Montana, 1935, Relating to the Power of the State Fish and Game Commission to Dispose of Elk Increased in Numbers and Damaging Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3729.1. of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Section 3729.1. **Power of Commission to Dispose of Elk Increased in Numbers and Damaging Property. Whenever elk within the State of Montana** have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission their numbers should be reduced, **or** special or private property is being actually or materially damaged or destroyed by said elk, and a written complaint of such damage has been filed by the owners or lessees of said property with the State Fish and Game Commission, the said Commission shall have the power and authority, whenever in its opinion conditions warrant it, **to permit the taking, killing, removal or disposal** of such elk under the rules and regulations and conditions as **hereinafter provided; providing that the State Fish and Game Commission may open the season on such elk and may issue emergency special licenses in a limited number, depending upon the number of elk to be killed or removed, to alleviate the damage.**

After determining the number of each sex of elk to be removed from an area where they are causing damage to private property, the Commission shall cause to be placed upon sale a number of emergency special licenses. These licenses shall be sold by license dealers in the county where damage is occurring, and shall be issued only for the area designated in the license. Special emergency licenses shall be issued to the first applicants. All applicants for a special emergency license must first be in possession of a Resident Big Game License for the current year and must in addition pay One Dollar ($1.00), for a special emergency license. No person shall receive more than one special emergency license as herein authorized in any one license year and such licenses are limited to one elk only, the sex of which shall be designated on said license or permit. Special emergency licenses shall be valid only for the period specified on the license. To every limited license there shall be attached a tag, coupon or marker, the form of which shall be prescribed by the State Fish and Game Commission, and when any person shall take or kill any elk under such license, he shall immediately detach from his license and attach in plain sight to the carcass of said elk the proper tag, coupon or marker, which said tag, coupon or marker shall be kept attached thereto so long as any considerable part of the carcass shall remain unconsumed.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 57, Laws of 1947

An Act to Amend Section 3729.2 of the Revised Codes of Montana, 1935, as

Amended by Chapter 152, Laws of 1943, Relating to the Power of the Fish and Game Commission to Dispose of Antelope When Damaging Property Because of the Increase in Their Numbers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3729.2 of the Revised Codes of Montana, 1935, as amended by Chapter 152, Laws of 1943, be, and the same is hereby amended to read as follows:

Section 3729.2. **Power of Commission to Dispose of Antelope Increasing in Number and Damaging Property.**.. Whenever antelope within the State of Montana have increased in number to such extent that, in the judgment of the State Fish and Game Commission, their number should be reduced, or special or private property is being actually and materially damaged or destroyed, by said antelope, and written complaint of such damage has been filed with the State Fish and Game Commission by the owners of such property, the said commission shall have the power and authority, whenever, in its opinion, conditions warrant to take, kill, remove or dispose of such animals under such rules and regulations and conditions as it may prescribe and promulgate; providing that the fish and game commission may open the season on such antelope and may issue special licenses in a limited number depending upon the number of antelope to be killed and in determining to whom these licenses shall be issued the Commission shall, when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. Each application shall be accompanied by a fee of five dol-

lars ($5.00), which fee shall be refunded to the applicant in the event such applicant is not awarded a special license or permit. Special licenses as herein authorized may be issued only to those holding big game licenses and be limited to only one antelope, the sex of which shall be designated on such special license or permit.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 145, Laws of 1945

An Act to Amend Chapter 308 of the Revised Codes of Montana, 1935, Relating to the Protection of Fish and Game, by Adding a New Section to Be Known as Section 3729.3 (A) Authorizing the Fish and Game Commission to Remove and Dispose of Moose Increasing in Numbers and Damaging Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 308 of the Revised Codes of Montana, 1935, be, and the same is hereby amended by adding a new section after Section 3729.3 to be known as Section 3729.3 (A).

Section 3729.3(A). **Power of the Commission to Dispose of Moose Increasing in Numbers and Damaging Property.** Whenever moose in the State of Montana have increased in number to such extent that, in the judgment of the State Fish and Game Commission, their number should be reduced, or public or private property is being actually and materially damaged or destroyed by said moose, the said Commission shall have the power and authority, whenever, in its opinion, conditions

warrant it, to permit the taking, killing, removing or disposing of such animals under such rules, regulations and conditions as it may prescribe and promulgate; provided that the State Fish and Game Commission may determine the number of each sex of moose to be killed or removed and may open the season on such moose and may issue special licenses in a limited number depending on the number of moose to be killed. In determining to whom these licenses shall be issued, the Commission shall, when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. There shall be collected from the persons issued a permit a fee of Twenty-five Dollars ($25.00). Special licenses as herein authorized may be issued only to those persons holding big game licenses and be limited to only one moose, the sex of which shall be designated on such special license or permit.

Section 2. This Act shall be deemed and declared an Emergency Act, and effective from and after its passage and approval.

Section 3729.3. **Power of Commission to Dispose of Fish Increased in Number in Lake County.** That whenever the fish within the county of Lake, State of Montana, shall have increased in numbers to such an extent that in the judgment of the State Fish and Game Commission, their numbers should be reduced, the commission shall have the power and authority to take, kill, remove, or dispose of such fish or to permit the same to be taken, killed, removed, or disposed of under such rules, regulations and conditions as it may prescribe and promulgate.

Section 19. That Section 3730 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Section 3730. **Removal of Animals or Parts of Animals From State Unlawful, When.** It is hereby declared to be unlawful and a misdemeanor, punishable as provided by Section 3706 R. C. M. 1935, for any person or persons to ship or take out of the state any of the game or non-game birds, fish, game animals, fur-bearing animals or the skins of fur-bearing animals, or any parts thereof, which are mentioned in this Act whether taken within or coming from without the state, except the same be done in the manner provided for by Sections 3730, 3731 and 3732.

Section 3731. **Permit to Resident to Ship Animals or Parts of Animals From State.** Any resident of this State who desires to ship out of the State any game, animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, legally taken or killed in the State during the open season therefor, or coming from without the State, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and the consignor, destination and number and kind of game or non-game birds, game animals, fish, fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, that is to be shipped, and said permit shall be presented to the transportation company with consignment.

Chapter 182, Laws of 1947

An Act to Amend Section 3732 of the Revised Codes of Montana, 1935, as Amended by Chapter 226, Laws of the Twenty-eighth Legislative Assembly, 1943, and as Amended by Chapter 102, Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to the Shipment of Game Animals, Game Birds, Fish and Fur-Bearing Animals from the State by Non-Residents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3732, of the Revised Codes of Montana, 1935, as amended by Chapter 226, Laws of the Twenty-eighth Legislative Assembly, 1943, and as amended by Chapter 102, Laws of the Twenty-ninth Legislative Assembly, 1945, be, and the same is hereby amended to read as follows:

"Section 3732. There shall be attached to all non-resident fishing licenses, a permit authorizing the holder thereof to ship, remove or cause to be removed from the state one legal limit of fish legally taken or killed; provided such shipping permit shall not be valid if detached from such license prior to its use to authorize shipment of fish.

Any non-resident when applying for a limited fishing license, shall certify under oath whether he has shipped, removed or caused to be removed from the state during the current year, the legal limit of fish or game or has in his possession a permit for so doing. If such applicant certifies that he has removed or caused to be removed from the state, the legal limit of fish or game, during the current year, or

has in his possession a permit for so doing, then the shipping permit heretofore provided for shall be detached from such permit and be retained and destroyed by the issuing authority.

Any non-resident person who desires to ship, remove or cause to be removed from the state, any game animals, game birds, or any part thereof lawfully taken or killed, shall possess or obtain a shipping permit, and shall present the same to the transporation company, together with his license and the consignment of game to be shipped, provided that no non-resident person may during any one year make more than one shipment, not to exceed the legal limit of fish and game. Provided, any person who removes from the state any game animals, game birds, fish or any part thereof by means of a truck, automobile or airplane, shall have in his possession a shipping permit. Provided, further, that any non-resident who desires to ship or take out of the state, any fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, legally acquired, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and consignor, destination and number and kind of fur-bearing animals, or the skins from fur-bearing animals that are to be shipped, and said permit shall be presented to the transportation company with the consignment. Provided, further, that any non-resident who has lawfully taken any game animals, game birds, fish or any part thereof, in an adjoining state, and is compelled, by reason of mountainous country or other local con-

ditions, to carry and transport said game animals, game birds, fish or any part thereof, over and across this state in order to return with said game animals, game birds, fish or any part thereof, to said adjoining state in which said game was taken, may do so provided he has the necessary license for the taking thereof issued by the state in which the game animals, game birds, fish or fur-bearing animals were taken.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval."

Chapter 224, Laws of 1947

Section 20. That Section 3733 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3733. **Labeling of Packages for Shipment from State.**.. All shippers of fish, game or non-game birds, game animals, fur-bearing animals, or the skins of fur-bearing animals or predatory animals, or parts thereof are hereby required to label all packages offered for shipment by parcel post, common carrier or otherwise, such label to be securely attached to the address of the package and plainly indicate the names and addresses of the consigner and consignee and the complete contents of said package. All persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in the manner provided by Section 3706 R. C. M. 1935."

Chapter 224, Laws of 1947

Section 21. That Section 3734 R. C. M.

1935, be, and the same is hereby amended to read as follows:

"Section 3734. **Violations of Provisions Relating to Shipment—Penalty—Confiscation.** No person or persons, or the agent or employee of any common carrier, association, stage, express, railway or transportation company, shall transport or receive for transportation or carriage or sell or offer for sale any of the game animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, except as specifically provided for by this act, and all game or non-game birds, fish, game animals, or fur-bearing animals, or parts thereof, had in possession, or which have been shipped or are being transported in violation of any of the provisions of this Act, shall be seized, confiscated, and disposed of as provided by law. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punished in the manner provided by Section 3706 R. C. M. 1935."

Chapter 224, Laws of 1947

Section 22. That Section 3735 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3735. **Transporting, Selling or Offering for Sale Illegally Taken Fish—Penalty—Provision in Case of Fish Caught Under License.** Any person or persons or the agent of any stage, express, or railway company or association of persons who shall receive for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reasons to know

or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by Section 3706 R. C. M. 1935."

Chapter 171, Laws of 1943

An Act to amend Section 3736 of the Revised Codes of Montana, 1935, relating to the Fees for Issuing Shipping Permits and the Disposition Thereof and Prescribing Who May Sell Shipping Permits.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3736 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"3736. **Fee for Issuing Shipping Permits—Disposal of.** The State Fish and Game Warden shall make a charge of sixty cents (60c) for each and every shipping permit issued by him for the shipment of game or non-game birds, fish, game, animals, or fur-bearing animals, or parts thereof, out of the state. Persons authorized to sell hunting and fishing licenses shall also have authority to sell shipping permits and; of this fee ten cents (10c) shall be paid to the person who sells the shipping permit and the balance shall be turned over to the State Treasurer at the time and in the manner provided by law, and the State Treasurer shall place such money to the credit of the State Fish and Game Fund."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force

and effect from and after its passage and approval.

Section 3737. **Lawful for Merchants, Hotel or Restaurants to Possess and Sell Game Not Killed Within the State.** It shall be lawful for any merchant, hotel or restaurant keeper to have in his possession and to offer for sale, and to sell game and game-birds; provided, that said game and game-birds are not, and have not been killed within the State of Montana.

Section 3738. **Evidence of Lawful Possession of Game Must Be Produced, When.** It shall be the duty of every merchant, hotel and restaurant keeper having in his possession and offering for sale any game or game birds, to produce upon demand, for the inspection of any Game Warden or Deputy Game Warden or Sheriff, the receipt or record and shipping and transportation receipts required hereby to be kept by him, and a failure or refusal to produce the same upon demand, coupled with the possession and offering for sale of game or game birds, shall constitute prima facie evidence of the violation of this Act.

Section 3739. **Record to Be Kept by Persons Having in Possession or Offering Game for Sale.** It shall be the duty of every person having in his possession and offering for sale any game or game birds, to keep a record showing the amount and kind of game and game birds received by him, together with shipping and transportation receipts showing the true time and place of shipment of said game and game birds, and the name of the person shipping same; provided, however, that any merchant in Montana selling game or game birds, to any hotel or restaurant keeper or other person, shall, in addition to the

record and receipts heretofore required to be kept by him, keep a record of the date of sale, kind and amount of game or game birds and the name of the purchaser; and provided, further, that in the case hotel and restaurant keepers or other persons buying game or game birds from a merchant within the State of Montana, a receipt from the said merchant showing the date, amount and kind of game or game birds purchased shall be sufficient evidence of compliance with the provisions of this Act by such hotel or restaurant keeper or other person.

Chapter 224, Laws of 1947

Section 23. That Section 3740 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3740. **Non-Compliance With Law a Misdemeanor.** Any person who shall have in his possession, and offer for sale, or sell any game or game birds without having complied with the provisions of this Act relating to the keeping of a record and shipping and transportation receipts, shall be guilty of a misdemeanor and punished in the manner provided by Section 3706 R. C. M. 1935."

Section 3741. **Definitions.** In the construction of this Act the words "game" and "game birds" or parts of the same, shall be construed to mean the game animals and game birds, the killing of which is restricted or forbidden by the laws of Montana; and the words "merchant," "hotel and restaurant keeper," shall include each and every manager, servant, agent, and employer of such person.

Section 24. That Section 3742 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3742. **Unlawful to Transport, Possess or Dispose of Animals or Parts of Animals Except Under Permit — Exceptions — Penalty.** It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport within or out of the state any game fish, wild bird, game or fur-bearing animal or part thereof, protected by the laws of this state, or coming from without the state whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by this act. The provisions of this section shall not apply to the plumage of wild water fowl lawfully killed when purchased or sold for other than millinery purposes, or to birds or animals collected or possessed under a permit issued by the proper State Fish and Game Warden for scientific or propagating purposes, nor shall the provisions of this section be construed to prohibit the purchase, sale or offering for sale, shipping, transporting, or possession for sale, any head, skin, or scalp, mounted or unmounted, or any full-sized mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the State Fish and Game Warden a permit authorizing him to sell it, nor to the sale of fur-bearing animals, or the skins of fur-bearing animals, except untagged beaver skins, nor to the export of fur-bearing animals, or the skins of fur-bearing animals under proper permit of the State Fish and Game Warden, provided, however, that the hides and ant-

lers (not including the head or skull) of elk and deer are specifically excluded from the provisions of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by Section 3706 R. C. M. 1935."

Section 3742.1. **Penalties.** Any person found guilty of a violation of the terms or provisions of this Act, shall be punished in the manner provided by Section 3706.

Section 3743. **Meaning of Word "Sale" in Game and Fish Laws.** That the word "sale" as used, the Statute Laws of this State touching the sale of game and fish, the sale of which is prohibited by law, does and shall be considered to mean:

1. A contract by which, for a pecuniary consideration, called a price, one transfers an interest in either game or fish.

2. A contract by which, for an article or thing of value, one transfers, barters or exchanges an interest either in game or fish.

Section 3744.1. **Bag Limit Prizes for Game or Fish Taken Unlawful—Exception.** That it shall be unlawful for any person, firm, corporation, association or club to offer or give any prize, gift or anything of value in connection with, or as a bag limit prize for, the taking, capturing, killing or in any manner acquiring any game, fish, fowl, fur-bearing animals, or any fish, bird or animal now, or that shall be hereafter protected in any way by the Fish and Game Laws of the State of Montana. This Act shall not be construed to pro-

hibit the award of prizes for any one game bird, animal, fish or fur-bearing animal on the basis of size, quality, or rarity.

Section 3744.2. **Penalty for Violation.** Any person, firm, corporation, association, or club violating any of the provisions of Section 3744.1, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00) for each such offense.

Chapter 173, Laws of 1949

An Act to Amend the Following Sections of the Revised Codes of Montana, 1935, Relating to the Licensing of Guides To-wit: Section 3745, as Amended by Chapter 103, Laws of 1941; Section 3746, as Amended by Section 25 of Chapter 224, Laws of 1947; Section 3747, 3748, 3749 and 3750; Such Amendments to Provide for an Outfitter's License in Addition to a Guide's License; Penalty for Violation of Act; Defining a Guide; Defining an Outfitter; Requiring Guides and Outfitters to Keep Records and Submit an Annual Report to the State Fish and Game Warden; and Making Guides and Outfitters Equally Responsible With Those Employing Them for Violation of the Law; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 3745, of the Revised Codes of Montana, 1935, as amended by Chapter 103, Laws of 1941, be, and the same is hereby amended to read as follows:

"Section 3745. **Outfitter's License — Guide's License—Qualifications—Bonds—Penalty for Violation of this Act.**

It shall be unlawful for any person or persons, company or corporation to engage in the business of outfitters or outfitting without such person, persons, company or corporation having first obtained an outfitter's license from the State Fish and Game Warden.

Each outfitter shall be a financially responsible citizen of the United States, a bona fide resident of the State of Montana, and possess proper equipment for the protection and convenience of his guests. Before issuing any outfitter's license, the Warden shall be satisfied that the applicant therefor shall possess the necessary ability, experience and equipment. He may refuse a license to any such applicant who is not qualified in the opinion of the State Fish and Game Warden.

Before the issuance of a license to any outfitter, the applicant therefor shall file a written application with the State Fish and Game Warden and said application shall be signed and sworn to by the applicant and endorsed by the recommendation of three resident real property owners of the county in which the applicant lives, stating in detail the name, address, property owned and used in said business by such applicant, his citizenship and such other facts as may be required to fully inform the Warden of the ability of the applicant to comply with this Act, and the rules and regulations of the State Fish and Game Commission.

Said applicant for an outfitter's license shall file in the office of the State Fish and Game Commission a corporate surety

bond executed to the State of Montana in the penal sum of One Thousand Dollars ($1,000.00) conditioned upon the faithful performance on the part of the outfitter, his agents or employees, and in compliance with the provisions of the Laws of the State of Montana, and the rules and regulation of the Commission, and upon payment of a fee of Ten Dollars ($10.00) shall receive an outfitter's license and such license shall authorize the individual outfitter to act as a guide without obtaining a guide's license as hereinafter provided.

Guide's License. It shall be unlawful for any person to engage in the business of guiding, as the term is commonly understood, without first having obtained a guide's license from the State Fish and Game Commission. Each applicant for a guide's license must be at least twenty-one (21) years of age, and a resident of the State of Montana, and must file a written application stating his qualifications for receiving a guide's license. Such application will state the following: name, residence, age, and a list of areas which he is thoroughly familiar with and where he intends to guide hunting or fishing parties. Such application shall be sworn to and signed by the applicant and shall be endorsed by three real property owners, residing in the county in which the applicant lives, stating that the applicant's statements are true and that he is a competent person and has knowledge of the State Fish and Game Laws, and rules and regulations of the Commission. The residential requirements herein provided for procuring a guide's license are hereby waived for the citizens of any state or states to the same extent that the home

state of the applicant waives such residential requirements for the citizens of the State of Montana, providing that such waiver shall extend only to counties bordering on a state adjacent to the State of Montana.

Before issuance of any guide license to the applicant therefor, such applicant shall execute a bond to the State of Montana in the penal sum of Five Hundred Dollars ($500.00), conditioned upon the faithful performance of his duties and compliance with the State Fish and Game Laws, and orders, rules and regulations of the Commission and upon the payment of a fee of Five Dollars ($5) shall obtain a guide's license. Guides' licenses shall expire on April 30th annually."

Section 2. Section 3746, of the Revised Codes of Montana, 1935, as amended by Section 25 of Chapter 224, Laws of 1947, be, and the same is hereby amended to read as follows:

"Section 3746. **Penalty for Violation of this Act. Any person who shall act as an outfitter without a license as the term 'outfitter' is commonly understood, or any person who shall act as a guide without a guide's license, or any outfitter or any guide who shall wilfully fail to report any violation committed by any person or persons employing him as a guide or outfitter, or who shall be found guilty of a violation of the Fish and Game Laws,** shall be guilty of a misdemeanor, **and upon conviction thereof,** shall be punished as provided **for in** Section 3706 of the Revised Codes of Montana, 1935, **and in addition, when any guide or outfitter shall be found guilty of a violation of the Fish and Game Laws, or rules and regulations of the Com-**

mission, said license heretofore issued shall be revoked at the discretion of the Warden for a period of not less than two (2) years, nor more than five (5) years."

Section 3. Section 3747, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3747. **Who Deemed a Guide.** Any person **who shall accompany hunting or fishing parties as guide or packer and** who shall for pay, aid or assist any person or **persons** in locating, pursuing **or taking of any game animal or game bird, or who shall for pay accompany any person or persons in any boat or floating craft, for the purpose of catching fish, shall be considered a guide and shall be subject to the requirements of this Act. No guide is authorized to shoot, kill or attempt to shoot, kill, or take fish or game for those employing him as a guide."**

Section 4. Section 3748, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3748. **Who Deemed an Outfitter. For the purpose of this Act, the word 'outfitter' shall mean any person or persons who shall engage in the business of outfitting for hunting or fishing parties, as the term is commonly understood, or any person, persons or agent of a domestic corporation who is operating in this State from a temporary or permanent camp, private or public lodge, private or incorporated home, who shall for pay provide any saddle or pack animal or animals, vehicles, boats, or other conveyance for any person or persons to hunt, trap, capture, take or kill any of the game animals or to catch any of the game fish of the State of Montana. This Act shall not**

apply to a person or to persons not engaged in the business of an outfitter who renders to another an occasional accomodative service in the furnishing of saddle or pack animals, boats or other conveyance to a hunter or a fisherman."

Section 5. Section 3749, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3749. **Statement to Game Warden by Guides and Outfitters — Revocation of License for Failure to Keep Record or Make Report.**

Whenever an outfitter or guide is employed by any person or party, such outfitter or guide shall keep a record showing the name, address, license number, dates employed by each person and the number of each kind of game killed or amount of fish taken. Such information contained in the record shall be made available at any time upon request of the State Fish and Game Warden or his deputies, and annually on January 15, each outfitter or guide shall submit a report to the State Fish and Game Warden giving the total number of persons employing him as a guide, the number and species of game killed, and the amount of fish which were taken; providing that a licensed guide shall not be required to submit a report for the time that he has been employed by an outfitter. Failure on the part of any guide or outfitter to comply with the provisions of this Act shall be sufficient cause for revocation of a guide's license or outfitter's license by the Commission."

Section 6. Section 3750, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3750. **Guides and Outfitters Equally Responsible with Others for Violations of Law—Must Report Violations.** Any person acting as guide **or outfitter** for any person or party shall be equally responsible with such person or party for any violation of the Law; any such guide **or outfitter** who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalities as **herein** provided."

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Chapter 224, Laws of 1947

Section 26. That Section 3751 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3751. **Taxidermists' License—Fee—Penalty for Violations.** Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any birds, or animals, or any part thereof, mentioned in the game laws of this state, must first obtain from the State Fish and Game Warden a taxidermist's license and shall pay an annual license fee of Fifteen Dollars ($15.00) therefor. Such person shall, on the first day of each month, make a written report to the State Fish and Game Warden, of all the articles of game, the kind and number of each, by whom owned, and the residence of owner, received during the past month, also of all the articles of game shipped, and to whom and where shipped,

during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by Section 3706 R. C. M. 1935. In all cases of conviction of violation of this Act the license of the person convicted shall be revoked."

Section 3753. **Disposition of Fines, Bonds and Penalties—Serving Out Fines and Costs.** All fines, bonds and penalties mentioned in any section of this Act may be collected by civil action in the name of the State of Montana in any court of competent jurisdiction upon proper complaint being filed and the amount of all fines and bonds, collected under the provisions of this Act shall be paid to the State Game Warden, and by him paid to the State Treasurer and by him placed to the credit of the fund to be known as the Fish and Game Fund. All such fines, bonds and costs shall be collected without stay of execution, and the defendant, or defendants, may by order of the court, be confined in the county jail of the county until such fine and costs are served out at the rate of $2.00 per day.

Section 3754. **Payment of Cost Bill to County Wherein Costs Were Incurred.** In all cases where there is a prosecution for the violation of Fish and Game Laws, and costs have been incurred therein, a cost bill shall be prepared, including the cost of board of prisoners, and presented to the State Board of Examiners, and if by them allowed, the State Treasurer shall thereupon pay the same out of the State

Fish and Game Fund to the County Treasurer of the county wherein such costs were incurred.

Section 3755. **Transportation of Persons or Property in Furtherance of Fish and Game Interests of State.** Nothing in the provisions of Sections 3779 to 3817 or of 6572 to 6574 of these codes, or in any of the other provisions of the Laws of Montana, shall be construed to prevent, or shall prevent, the carriage or storage or handling of property, by railroads or other common carriers free or at reduced rates, for the government of the United States, or for the State of Montana, or for the owner or owners of any fish hatchery within this State, or any anglers' association or sportsmen's club organized and existing therein, or of the State Fish and Game Warden, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana, or restocking the ranges and forests of the State of Montana with elk, deer, mountain sheep, mountain-goats, grouse, ducks, or any of the so-called game animals or birds; and nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to or the free carriage of, or the selling of tickets at reduced rates to any and all persons while actually engaged in transporting fish or fish eggs, or stocking or planting the waters of this State with such fish or fish eggs, or to any and all persons while actually engaged in transporting and caring for any of the game animals or birds herein mentioned for restocking the ranges, forests and public parks of this state.

Section 3756. **Duties of Grand Juries, District Judges, Sheriffs, etc., Respecting**

Infractions of Law. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to law, and it is hereby made the duty of the Judge of the District Court to call the attention of the grand jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with Justices of the Peace of all offenses committed under the provisions of this Act.

And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half-breed Indians, when outside the Indian reservation. It is further provided and declared to be the duty of any Sheriff, or peace officer of any county of this state, and the County Attorneys of the respective counties when it shall come to their knowledge, or they shall have reason to believe that any person has violated any of the sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any County Attorney, Sheriff, or other peace officer, or Game Warden, who has knowledge of the violation of any of the provisions of this Act, to commence such proceedings, shall be deemed a misdemeanor, and he shall be punished accordingly.

Section 3757. **Duty of Court and Prosecuting Officials With Respect to Viola-**

tions of Laws of Another State. Whenever it shall appear under any prosecution under any section of this Act, making it a felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught, in violation of law in any other State other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further time as may be necessary to allow the authorities of said state wherein the law has been violated to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this section, it shall be the duty of the County Attorney or attorney prosecuting, to immediately notify the proper officers of the state and county in which it appears the law has been violated, of all the facts and circumstances connected with said proceedings.

Section 3758. **Act Not Applicable to Cases of Extreme Hunger.** When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffering by hunger of any person or persons, which could not otherwise have been avoided, the provisions of this Act shall not apply to said case.

Section 3759. **Use of Silencers or Mufflers on Firearms.** It shall be unlawful for any person to take into the fields or forests, or to have in his possession, while out for the purposes of hunting any wild animal or birds, any device or mechanism, designed to silence or muffle or minimize

the report of any firearm, whether such device or mechanism be separated from or attached to any firearm.

Chapter 224, Laws of 1947

Section 27. That Section 3760 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3760. **Permit for Taking Fish or Game for Scientific Purposes.** It shall hereafter be lawful for the duly accredited representative of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this state, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided, that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the state game warden for a license so to do. If the State Game Warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such investigation, and shall place a restriction upon the number of birds, fish or animals to be taken thereunder; and the person to whom such license is issued shall pay therefor the sum of Five Dollars ($5.00), and shall have no right or authority to take, have or capture any other or greater number of birds, fish or animals than are mentioned in said license. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable as provided by Section 3706 R. C. M. 1935."

Chapter 31, Laws of 1949

An Act to Amend Section 3761, of the Revised Codes of Montana, 1935, as Amended by Section 28 of Chapter 224, Laws of the Thirtieth Legislative Assembly, 1947, Relating to the Creation of Game Preserves, Boundaries, Provisions Thereof, Eliminating the Provisions Creating the Snow Creek Game Preserve; and Penalties for Violation of the Provisions of this Act; and to Repeal Sections 3762, 3766, 3776.15 of the Revised Codes of Montana, 1935, Also Relating to Game Preserves.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3761, of the Revised Codes of Montana, 1935, as amended by Section 28, of Chapter 224, Laws of the Thirtieth Legislative Assembly, 1947, be, and the same is hereby amended to read as follows:

"Section 3761. **Creations of Game Preserves—Boundaries—Provisions Thereof—Penalties for Violation of the Provisions of This Act.** There are hereby created, for the better protection of all the game animals and birds within the limits thereof, game preserves within the State of Montana, and more particularly herinafter described as to their exterior limits **by Sections 3763, 3764, 3765, 3767, 3768, 3769, 3771, 3773, 3776.3, and 3776.14 Revised Codes of Montana, 1935;** except as hereinafter provided no person shall, within the limits of any game preserve within the State of Montana whether such preserve is created by the Legislature or by the Fish and Game Commission, hunt for, trap, capture, kill, or take, or cause

to be hunted for, trapped or killed, any game animals or fur-bearing animals or birds of any kind whatever within the limits of said preserve, or carry or discharge any firearms, or create any unusual disturbance tending to or which may frighten or drive away any of the game animals or birds therein, or chase the same with dogs or hounds in said preserve; provided that the Commission may declare that any preserve shall be open to the trapping of fur-bearing animals during the regular open season.

Permits to capture animals or birds for the purpose of propagation or for scientific purposes or to trap fur-bearing animals or to destroy mountain lions, wolves, foxes, coyotes, wildcats, lynx, or other predatory animals or birds or for carrying firearms, may be issued by the State Game Warden, upon the payment of such fee and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commision. Any person violating any of the provisions of this Section or any other Law of Montana relating to game preserves, shall be guilty of a misdemeanor and shall be punishable as provided by Section 3706, Revised Codes of Montana, 1935."

Section 2. That Sections 3762, 3766, 3776.15, of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Section 3763. **Sun River Preserve.** Beginning at a point on the Continental Divide of the Rocky Mountain, due south of the head or source of the South Fork of

the North Fork of the Sun River, in what will be Section eight (8), Township eighteen (18), North of Range ten (10) West, Montana Meridian, when surveyed; thence due north from the crest of the Continental Divide to the head of the South Fork of the North Fork of Sun River; thence northerly along and down the course of the South Fork of the North Fork of Sun River, as it winds and turns to its confluence with the North Fork of the North Fork of Sun River; thence northerly along the course of the North Fork of the North Fork of Sun River as it winds and turns to its head or source; thence due north to the crest of the Continental Divide of the Rocky Mountains; thence along the crest of the Continental Divide of the Rocky Mountains southwesterly and southerly to the place of beginning, intending hereby to include in said game preserve all that territory lying between the said South Fork of the North Fork and the said North Fork of the North Fork of Sun River on the east, and the Continental Divide of the Rocky Mountains on the west.

Chapter 224, Laws of 1947

Section 29. That Section 3764 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3764. **Gallatin Preserve.** The boundaries of Gallatin Game Preserve are hereby established as follows: That portion of Gallatin county lying north of the Gallatin River, beginning at Daly Pass on the Yellowstone Park line, thence running in a northwesterly direction following the horse trail to the headwaters of the South Fork of Buffalo Horn creek, thence down the South Fork of Buffalo

Horn creek to Buffalo Horn creek, thence down the main Buffalo Horn creek to the Forest Service fence, at this point the line shall leave the creek to follow the outer boundary of the developed camp sites on Buffalo Horn creek, thence following down Buffalo Horn creek to a plainly marked point east of the Walker cabin, thence southeast following a well-defined horse trail and ridge to Grouse mountain, thence in a southeasterly direction following the ridge to Tepee creek, thence crossing Tepee creek and continuing in an easterly direction upon a well-defined ridge to the Park line on Crown butte, thence following the Park line in a northerly direction to Daly Pass, the point of beginning.

That portion of Gallatin county lying south of the Gallatin river, beginning at a point where the north section line of section eighteen, township nine south of range five east, intersects the Gallatin river, thence due west along said section line and south section line of sections eleven and twelve, township nine south of range four east, to a point where said section lines intersect Sage creek, thence up the east bank of Sage creek to the confluence of Big Sage creek and Little Sage creek, thence south along the divide between the above mentioned creeks to Sage mountain, in an easterly direction along the divide to Bacon Rind and Tepee creeks to the west boundary of the Yellowstone National Park, thence north along the Yellowstone National Park boundary to the Gallatin river, thence in a northwesterly direction down the Gallatin river to the point of beginning.

Section 3765. **Snowy Mountain Preserve.** There is hereby created, for the

better protection of all the game animals and birds within the limits thereof, game preserve within the State of Montana, and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap, or kill, or cause to be hunted for, or killed, any of the animals herein mentioned, or to trap, capture, or molest any birds or animals of any kind whatever, within the limits of the game preserve hereby created, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, coyotes, wild cats, mink or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserve by the State Fish and Game Commission. Said game preserve hereby created is more particularly described as follows:

Beginning at the northwest corner of Section 36, Township 13 North, Range 17 east; thence south along the section line between sections 35 and 36 one mile; thence up the East Fork of the Dry Pole canyon to the top of the ridge between Dry Pole and Rock Creek; thence south along the top of this ridge to the summit of the mountains; thence east along the south rim of the summit to a point about one-half mile east of the Knife Blade ridge; thence north along the crest of the ridge between the East and West Forks

of Cottonwood Canyon to where both of these forks unite; thence down the main canyon north to the forest boundary; approximately one-fourth (¼) mile east of Section corners 34, 35, 26 and 27, Township 13 North, Range 18 East; thence west along the forest boundary five (5) miles to the northwest corner of Section 36, Township 13 North, Range 17 East, to the point of beginning.

Chapter 3, Laws of 1949

An Act to Amend Section 3767 of the Revised Codes of Montana, 1935, Relating to Powder River Game Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3767 of the Revised Codes of Montana, 1935, be, and the same is hereby amended so as to read as follows:

"Section 3767. **Powder River Game Preserve.** Beginning at the southeast corner of **Powder River** County at the Montana-Wyoming State Line, thence north and along the north and south line between **Powder River** and **Carter** Counties to a point where same dissects the East Fork of the Little Powder River, thence following down the center of said stream to the west bank of the Little Powder River, thence down the west bank thereof to its confluence with Powder River, thence up the east bank of said Powder River to the junction of Cache Creek therewith, thence up the channel of said Cache Creek and the North Fork thereof to the divide or water-shed between Powder River and Tongue River, and thence south along said water-shed to the Montana-Wyoming State Line, and

thence due east and along said state line to the place of beginning."

Section 2. This Act shall take effect upon its passage and approval.

Section 3768. **Flathead Lake Bird Preserve.** That certain islands, two in number, including lot one of block one, containing two and fifty-seven hundredths acres; lot two of block one, containing two and sixty hundredths acres; lot one of block two, containing one and sixty-five hundredths acres, all being in the villa site of islands, situated in Flathead lake, in the county of Flathead, Montana, according to the official plat and survey of said land returned to the general land office by the surveyor general, be and the same are hereby made a perpetual place of refuge for birds of all kinds, the same to be called and known as "Flathead Lake Bird Preserve," which said lands shall be specially reserved for the breeding, propagating, and protection of all species of birds.

It shall be unlawful for any person to kill, shoot, capture, or destroy, or in any way injure any bird on said island, or to interfere with their eggs or nests, or to shoot at, wound, or kill any bird within a distance of four hundred yards from the shore-line of said islands.

It shall be unlawful for any person to kill, shoot, capture, or destroy, or in any way injure any bird or animal on the University of Montana biological reserve located on the east shore of Flathead lake, or to interfere with their eggs or their young, or their nests, or to shoot at, wound, or kill any bird or any animal within four hundred yards of said University of Montana biological reserve, or

to discharge any firearms on said reserve or within four hundred yards thereof.

Chapter 224, Laws of 1947

Section 30. That Section 3769 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3769. **Twin Buttes Game Preserve.** For the better protection of game animals and birds, the following area in the Lewis and Clark National Forest, in the Rocky mountains, State of Montana, is hereby set aside and established as a state game preserve, to be known as the "Twin Buttes Game Preserve," to-wit:

Beginning at the junction of the Dearborn river with Falls Creek in what will be township eighteen north of range seven west, Montana meridian, when surveyed, and running thence southerly along the course of said Falls Creek to its junction with the tributary of said Falls Creek, known as the "East Fork," thence due south to the crest of the Continental Divide, thence northwesterly along the Continental Divide to the head of Blacktail Creek; thence northerly along said Blacktail Creek to its junction with said Dearborn River, thence down the said Dearborn River to the place of beginning."

Section 3771. **South Moccasin Mountain Game Preserve.**.. (Boundaries altered by the Fish and Game Commission April 21, 1939, by authority granted in Section 3676 of the Revised Codes of Montana, 1935, as amended by Chapter 145, laws of 1937.)

Beginning at the Northwest corner of Section 3 on the Township line on the Northerly side of Township 16 North, Range 17 East, and extending South on the section line for a distance of 3 miles

to the Southwest corner of Section 15, thence East on the section line a distance of one-half mile to the North quarter corner of section 22, thence South on the quarter line a distance of three-fourths mile to the Southwest corner of the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 22, thence East on the forty line a distance of one-half mile to the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 22, thence South on the section line a distance of one-fourth mile to the Southwest corner of Section 23, thence East on the section line a distance of 1½ miles to the south Quarter corner of Section 24, thence north on the quarter line one-fourth mile to the Southwest corner of the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 24, thence East on the forty line a distance of one-half mile to the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE¼SE¼) of Section 24 ,thence North on the Township line for a distance of three-fourths mile to the Northeast corner of Section 24, in Township 16 North, Range 17 East, thence East on the section line a distance of three-fourths mile to the Southeast corner of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section 18, in Township 16 North Range 18 East, thence North on the forty line a distance of one mile to the Northeast corner of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 18, thence East on the section line a distance of one-fourth mile to the Southeast corner of Section 7, thence North on the section line a distance of two miles to the northeast corner

of Section 6, in Township 16 North, Range 18 East, thence West on the township line (which is also a correction line) to the Southeast corner of Section 36, Township 17 North, Range 17 East, thence North on the section line a distance of one mile to the Northeast corner of Section 36, thence West on the section line a distance of one mile to the Northeast corner of Section 35, thence North on the section line a distance of one-half mile to East quarter corner of Section 26, thence West on the forty line a distance of one-fourth mile to the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 26, thence north on the forty line one-half mile to the northeast corner of the Northwest Quarter of the Northeast Quarter (NW¼NE¼) of Section 26, thence West one-half mile on the Section line to the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section 26, thence South on the forty line one-fourth mile to the Northeast corner of the Southwest Quarter of the Northwest Quarter of Section 26, thence West on the forty line a distance of one-half mile to the Northwest corner of the Southeast Quarter of the Northeast Quarter (SE¼NE¼) of Section 27, thence South one-fourth mile on the forty line to the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 27, thence West on the quarter line a distance of 1¼ miles to the Northwest corner of the Southeast Quarter (SE¼) of Section 28, thence South on the quarter line a distance of three-fourths mile to the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE¼NW¼) of Section 33, thence West on the forty line

a distance of one-fourth mile to the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE¼NW¼) of Section 33, thence South on the forty line a distance of three-fourths mile to the Southwest corner of the Southeast Quarter of the Southwest Quarter (SE¼SW¼) of Section 33 in Township 17 North, Range 17 East, thence East on the Township line (which is also a correction line) to the Northwest corner of Section 3, Township 16 North, Range 17 East, the place and point of beginning. Said boundary line hereinbefore described being located in Fergus County and said lands enclosed by same and comprising the said South Moccasin Mountain Game Preserve containing approximately 11,720 acres.

Chapter 224, Laws of 1947

Section 31. That Section 3773 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3773. **Blackleaf Game and Bird Preserve.**.. Township twenty-six north of range eight west of the Montana meridian, in Montana, be, and the same is hereby created a game and bird preserve, to be known as the "Blackleaf Preserve," within the county of Teton, State of Montana."

Teton-Spring Creek Bird Preserve

Section 3776.3. For the better protection and propagation of birds, the following described area in Teton County, State of Montana, is hereby set aside and established as a State Bird Preserve, to be known as the Teton-Spring Creek Bird Preserve.

All of Sections two (2), three (3), four (4) nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), and fif-

teen (15), in Township twenty-four (24) North, Range five (5) West.

Section 3776.14. **Cherry Creek Game Preserve** (Sanders County). (Boundaries altered by the Fish and Game Commission April 23, 1943 by authority granted in Section 3676 of the Revised Codes of Montana 1935, as amended by Chapter 145, laws of 1937.)

Cherry Creek Game Preserve: Beginning at Eddy Mountain, thence in a westerly direction along the divide between Cameron Creek and the Clark's Fork River to Cherry Creek at the approximate ¼ corner on the north side of Sec. 36, Twp. 21N, R. 29W, thence in a general westerly direction up Clark Mountain ridge to Clark Mountain, thence continuing along the Clark Mountain ridge in a westerly direction to the forks of Dry Creek, thence in a southerly direction up the West Fork of Dry Creek to Hill 7 trail, thence in a southwesterly direction following the trail along the divide between the West Fork of Dry Creek and Wilkes Creek to the top of the Divide between Clark's Fork and the St. Regis Rivers, thence in a general easterly direction following the trail and road along the divide between the St. Regis River and the Clark's Fork River to Greenwood Hill at the approximate SW corner of unsurveyed Sec. 34, Twp. 20N, R. 26W, thence in a general northerly direction along divide between Cherry Creek and Eddy Creek over Penrose Peak, Cherry Peak, to Eddy Peak, point of beginning.

GAME PRESERVES CREATED BY THE FISH AND GAME COMMISSION:

Regulations of the Fish and Game Commission pertaining to the following Preserves are as follows:

"The Provisions of Section 3761, of the Revised Codes of Montana, 1935, as amended by Section 2804, Chapter 224, Laws of 1947, are hereby declared applicable to all Game Preserves or Refuges heretofor created, and to all Game Preserves or Refuges that may be hereinafter created by the State Fish and Game Commission under authority granted in Section 3676, of the Revised Codes of Montana, 1935, except when special regulations have been made in the creation of such Preserves."

Milltown Bird Preserve

(Missoula County)

A portion of the waters formed by the dam belonging to the Montana Power Company, located near Milltown, Missoula County, Montana, which said portion of said water will begin at the dam and extend to the Milwaukee bridge above said dam, all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission, Proclaimed May 28, 1931.)

Lake Avoca Game Preserve

(Silver Bow County)

That certain piece of land known as "Club Lake," in Section 32, Township 3 North, Range 7 West, containing approximately 14 acres; that certain piece of land known as "Lake Avoca," containing

114 acres, more or less, in Section 32, Township 3 North, Range 7 West, and that certain portion of land north of White Boulevard and Lake Avoca, in Sections 29 and 32, Township 3 North, Range 7 West, containing 61 acres, more or less, and being a part and parcel of Lake Avoca, all of which is in Silver Bow County, Montana.

(Created by the State Fish and Game Commission. Proclaimed November 16, 1932.)

Cherry Creek Game Preserve
(Valley County)

All of the valley of Cherry Creek, Valley County, Montana. Beginning where this valley opens into Milk River Valley. The south line being the main highway at Rhodes, known as the Poor Farm Road to the North line of the McVee ranch, where it crosses Cherry Creek from East to West; also the East Fork to the Opheim Road, and all of the coulees and draws entering the said Cherry Creek Valley.

Ballantine Game Preserve
(Yellowstone County)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Ballantine State Game Preserve.

Beginning at the Northwest corner of Section 25, Township 2 North, of Range 29 East, and running thence due West a distance of nine miles to the Northwest corner of Section 27, Township 2 North of Range 28 East, thence due South a distance of eight miles to the Montana

base line, thence due East along said base line a distance of nine miles to the Southeast corner of Section 36, Township 1, North, of Range 29 East, thence due North a distance of eight miles to the point of beginning.

(Created by the State Fish and Game Commission. Proclaimed Nov. 21, 1924.)

Lake Helena Game Preserve
(Lewis and Clark County)

For the better protection of all of the game animals and birds within the limit thereof, and more particularly hereinafter described as to the exterior limits and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for or killed, any of the animals herein mentioned or to trap, capture, or molest any birds or animals of any kind whatsoever within the limits of the game preserve hereby created, or to carry or discharge any firearms, or to create any unusual disturbance tending to frighten or drive away any game animals, or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, foxes, coyotes, wildcat or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserve by the State Fish and Game Commission. Said game preserve hereby created is more particularly described as follows:

"A tract of land in Section 22 and 27, T. 11N, R. 3W, M. P. M., Lewis and Clark

County, Montana, more particularly described as follows:

All of theW½ and all of the W½E½, Sec. 22, T. 11N, R. 3W, M.P.M. All of the NW¼ and all of the W½NE¼, Sec. 27, T. 11N, R. 3W, M.P.M.

Also, a tract of land in the E½E½, Sec. 22, T. 11N, R. 3W, M.P.M., and the E½ NE¼, NE¼SE¼, Sec. 27, T. 11N, R. 3W, M.P.M. which is more particularly described as follows:

Beginning at a point on the West line of the said E½E½, Sec. 22, T. 11N, R. 3W, M.P.M., which said point bears southerly along said West line a distance of 673.0 feet from the Northwest corner of the said E½E½, Sec. 22, T. 11N, R. 3W, M.P.M., thence from the said point of beginning S 2° 49′ E, 4572.2 feet, thence S 20° 14′ E, 254.8 feet, thence S 18° 16′ E, 264.2 feet thence S 55° 51′ E, 435.8 feet, thence S 4° 37′ W. 1650.7 feet, thence S 33° 18′ W., 1346.7 feet, to a point on the West line of the said NE¼SE¼, Sec. 27, T. 11N, R. 3W, M.P.M., thence N 0° 49½′ E, 8073.1 feet, more or less, to the said point of beginning, and containing in all 781.90 acres, more or less."

(Created by the State Fish and Game Commission. Proclaimed Nov. 21, 1945.)

Stillwater Game Preserve
(Flathead County)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the Stillwater Game Preserve.

Beginning at the meander corner of the right bank of the Flathead River, between

Sections 26 and 35, 29 North, Range 21 West; thence west between Sections 26 and 35, 27 and 34, 28 and 33, in part about one-fourth mile to the left bank of the Whitefish River; thence following the Whitefish River in a southerly direction through Section 32. Then following the left bank of the same stream through Section 5, southerly and easterly to 28 North, Range 21 West; thence southerly through Section 4 to its confluence with the Stillwater River; thence following the left bank of the Stillwater River to its confluence with the Flathead River in Sections 21, 28 North, Range 21 West; thence northerly following the right bank of the Flathead River through Sections 31 and 16, 15 and 10, 9, 3 and 2, Township 28 North, Range 21 West, and Sections 35 and 29 North, 21 West, to place of beginning.

(Created by the State Fish and Game Commission. Proclaimed May 15, 1924.)

Addition to the Stillwater Game Preserve

The boundaries of the Stillwater Game Preserve shall be extended to include the following described territory, (except that portion of the Northeast quarter of the Northeast quarter of Section 8, Township 28, North, Range 21 West, M. M., lying South of No. 2 State Highway, comprising about 20 acres, used as a Rifle and Pistol Range and which is designated by white posts set at extreme boundaries of said Rifle and Pistol Range):

"Beginning at the point where the East boundary line of U. S. Highway No. 93 intersects the Northerly boundary of the City Limits of the city of Kalispell, thence Northerly following said Highway boun-

ary line to its point of intersection with the center line of Section 6, Township 28 North of Range 21 West; thence Easterly along said center line of said Section to the left bank of the Stillwater River; thence to the right following down the left bank of said Stillwater River to the Reiter Highway Bridge No. 3 located on the Present Steel Bridge road; thence to the right and Westerly and following said Steel Bridge Road to the East boundary of said City limits; thence following said City limits Northerly and Westerly to the point of beginning; that the above-described territory, known as the Stillwater Game Preserve, shall be governed as a Game Preserve of the State of Montana and it is thereby unlawful to carry or discharge firearms within the described Preserve."

Skalkaho Game Preserve
(Ravalli County)

Skalkaho Game Preserve Boundaries: Beginning at Eagle Point, thence in a southerly direction following the crest of the Saphire Range to Trail 153, thence in a Southwesterly direction along Trail 153 to its intersection with Trail 212, thence westerly along Trail 212 to the forks of Daily Creek and Skalkaho Creek; thence in a northerly direction following the Divide between Daily Creek and the headwaters of Gird Creek to Skalkaho Mountain, thence in a Northerly direction to Willow Lake, thence down that fork of Willow Creek to Forest Trail 42; thence in a Northeasterly direction along Trail 42 to its junction with Trail 44; thence in a westerly course along Trail 44, to its junction with Trail 43 in Gold Creek; thence in a northerly direction following

Trail 43 down Gold Creek to the Burnt Fork of the Bitterroot River to Trail 147, thence in an Easterly direction along Trail 147 to Eagle Point, the place of beginning.

Little Rockies Game Preserve
(Phillips County)

All of the National Forest land lying within the boundaries of the little Rockies Division of the Jefferson National Forest, Phillips County, Montana.

Brinkman Game Preserve
(Liberty County)

The S½ Sec. 7, and E½ NE¼ Sec. 7, and S½ Sec. 8, and NW¼ Sec. 8, S½ Sec. 9; and S½ Sec. 10, and E½ NE¼. All of Sections 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 35, 36; all in Township 29 N., R. 7E., M.P.M.

Manhattan Fish and Game Preserve
(Gallatin County)

For the protection of all game animals, game birds, fish and fur-bearing animals, there is hereby created the Manhattan Fish and Game Preserve, the boundaries of which are hereinafter described as follows:

Beginning at the intersection of the west bank of the West Gallatin River and the south line of the right-of-way of the main line of the Northern Pacific Railway Company as the same extends between Belgrade and Manhattan, Montana; running thence west along the south boundary line of said railroad right-of-way to the intersection of said right-of-way with the oiled

road extending south from Manhattan, known as Montana State Highway Project No. 41; thence south along the east boundary line of said oiled highway to a point where said highway turns in an Easterly direction along the road extending east and west past the Heeb Schoolhouse; thence in an easterly direction along the north line of said road which passes the Heeb Schoolhouse and the Walter Sales Ranch as extended by County Road No. 74, and a prolongation of the north line of said road if extended due east to a point where said north line of said road would intersect the west bank of the West Gallatin River; thence north along the west bank of the West Gallatin River to the point of beginning.

Penalty for Violation of Order

Any person who shall, within the limits of the Manhattan Fish and Game Preserve, shoot, take, kill or trap any game animal, game bird or fur-bearing animal, or who shall catch or fish for any fish within the limits thereof shall be guilty of violating the orders, rules and regulations of the Montana Fish and Game Commission as provided for in Section 28 of Chapter 224, Laws of 1947. Landowners residing within the limits of the preserve may be granted a special permit to kill or take predatory animals or birds causing damage to their property upon application for such a permit to the State Fish and Game Warden.

Any person found guilty of violating the order, rules and regulations of the Commission shall be punished as provided for in Section 3694.1 of the Revised Codes of Montana, 1935.

Sullivan Game Preserve

(Chouteau County)

Beginning at a point where the Milwaukee Railway right-of-way intersects the section line between Section 13, Township 20 North of Range 12 East, and Section 18, Township 20 North of Range 13 East; thence following the Milwaukee Railway right-of-way in a northwesterly direction to a point where the Milwaukee Railway right-of-way intersects the section line between Sections 33 and 28 in Township 21 North of Range 12 East; thence following said section line east to the northeast corner of Section 34, in Township 21 North of Range 12 East; thence south one (1) mile to the southeast corner of same section; thence east one-half (½) mile to the Quarter corner on south line of Section 35, Township 21 North, Range 12 East; thence north one-half (½) mile to center of same section; thence east one-half (½) mile to the Quarter corner on east line of same section; thence north one-half (½) mile to northeast corner of same section; thence east one-half (½) mile to Quarter corner of north line of Section 36, Township 21 North of Range 12 East; thence south one (1) mile to the Quarter corner of south line of same section; thence east four (4) miles to the northeast corner of Section 3, Township 20 North of Range 13 East; thence south two (2) miles to the southeast corner of Section 10, Township 20 North of Range 13 East; thence west four (4) miles to the northwest corner of Section 18, Township 20 North of Range 13 East; thence south along the range line between Section 18, Township 20 North of Range 13 East, and Section 13, Township

20 North of Range 12 East, to the point of beginning.

Warm Springs Bird Preserve
(Deer Lodge County)

For the better protection of game birds the following area is set aside as a game preserve:

All of Section thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-seven (27) and the East half of Section twenty-two (22), Southeast quarter of Section twenty-eight (28), Section thirty-three (33), Section thirty-two (32) except such portions of these sections which lie South of the Anaconda-Warm Springs Highway or East of the Butte-Deer Lodge Highway, all in Township Five (5) North, Range Ten (10) West in Deer Lodge County.

Created by Commission December 18, 1947.

Grass Valley Game Preserve
(Missoula County)

Beginning at a point approximately one and one-half miles west of DeSmet, Montana, where Federal Highways 10 and 93 intersect the Couer d'Alene branch of the Northern Pacific Railroad at an underpass; thence in a westerly direction along the right-of-way of the Northern Pacific Railroad to a point on said right of way approximately one mile northwest of Primrose, Montana, and opposite the intersection of the Deschamps Slough with the right-of-way of the Lower Frenchtown road; thence in a southwesterly direction approximately two hundred feet to said intersection of the Deschamps Slough and the Lower Frenchtown road; thence in a southeasterly direction along the right-of-

way of the Lower Frenchtown road to a point where said highway is intersected by a road known as the Roller Coaster road to the southeast corner of Section 10, Township 13 North, Range 20 West; thence due north along said last named road, which follows the section lines between Sections 10 and 11, and Sections 3 and 4, Township 13 North, Range 20 West, to a point where the road intersects the Federal Highways 10 and 93 at DeSmet, Montana; thence along said last named highway in a westerly direction to the point of beginning, all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission. Proclaimed Sept. 8, 1933.)

Great Falls Game Preserve
(Cascade County)

From the Rainbow Dam of the Missouri River to the south line of the north half of the north half of Section 23, Township 20 North, Range 3 East, and extending inland one hundred (100) yards from the bank of said Missouri River on each side, exclusive of the plot of ground used by the Great Falls Gun Club; and also that portion of Sun River from its mouth to the west boundary line of the city limits of Great Falls, and extending inland one hundred (100) yards on each side of said Sun River, all of which is in Cascade County, Montana.

(Created by the State Fish and Game Commission. Proclaimed May 28, 1931.)

Piniele Game Preserve
(Carter County)

The north half of Township 5 South,

Range 56 East; all of Township 4 South, Range 56 East; and the east half of Township 4 South, Range 55 East, all of which is in Carter County, Montana.

(Created by the State Fish and Game Commission. Proclaimed June 27, 1927.)

Phillips County Game Preserve

(Also known as the Milk River) Game Preserve)

Starting at the intersection of the Great Northern Railway with the north and south midsection line of Section 1, Township 30 North of Range 31 East, M. M.; thence in a northerly direction along the north and south midsection line of Section 1, to the southeast corner of the northeast quarter of the northwest quarter of said Section 1, Township 30 West of Range 31 East; thence continuing in a northerly direction along the midsection line of said Section 1 to the quarter corner common to Section 1 in Township 30 North of Range 31 East, and Section 36 in Township 31 North of Range 31 East, M.M.; thence along the midsection line of said Section 36 to the quarter corner common to Sections 25 and 36, in Township 31 North of Range 31 East, M.M.; thence in an easterly direction along the boundary between said Sections 25 and 36 to the southeast corner of Section 25 in said township and range; thence continuing in an easterly direction along the boundary between Sections 30 and 31, in Township 31 North of Range 32 East, M.M., to the northeast corner of Section 31, in Township 31 North of Range 32 East, M.M.; thence northerly along the boundary between Sections 29 and 30 in Township 31 North of Range 32 East, M.M.; to the quarter corner com-

mon to said Sections 29 and 30; thence easterly along the midsection line of Section 29 in Township 31 North of Range 32 East, M.M., to the quarter corner common to Sections 28 and 29, said township and range; thence along the east and west midsection line of Section 28 in Township 31 North of Range 32 East, M.M., to the midsection corner of said Section 28; thence south along the north and south midsection line of said Section 28 to the quarter corner common to Sections 28 and 33 in Township 31 North of Range 32 East, M.M.; thence southerly along the north and south midsection line of Section 33 in said township and range, to its intersection with the center line of the Great Northern Railway; thence along the center line of the Great Northern Railway through Sections 32 and 33, in Township 31 North of Range 32 East, M.M.; thence continuing along the center line of the Great Northern Railway through Sections 5 and 6 in Township 30 North of Range 32 East, M.M.; to the west boundary line of said Section 6; thence in a southwesterly direction along the center line of the Great Northern Railway, through Section 1 in Township 30 North of Range 31 East, to the place of beginning.

(Created by the State Fish and Game Commission. Proclaimed March 27, 1928.)

Seeley Lake Game Preserve

(Missoula County)

Beginning at the southwest corner of Section 32, Township 17 North, Range 15 West, M.M.; thence north following section line to the northwest corner of Section 20, the same township and range; thence east following section line to the northeast corner of Section 22, same town-

ship and range; thence south along section line to the southeast corner of Section 34, same township and range; thence east along township line to the northeast corner of Section 3, Township 16 North, Range 15 West; thence south along section line to the southeast corner of said Section 3; thence west along section line to the southwest corner of Section 5, same township and range; thence north along section line to the northwest corner of said Section 5; thence west along township line to the southwest corner of Section 32, Township 17 North, Range 15 West, the place of beginning; all of which is in Missoula County, Montana.

(Created by the State Fish and Game Commission. Proclaimed August 4, 1927.)

Fleshman Creek Game and Bird Preserve

(Park County)

All the drainage area of Fleshman Creek and its tributaries, lying north of the Northern Pacific Railroad tracks, situated in Township 1 and 2 South, Range 8 and 9 East, Park County, Montana.

(Created by the State Fish and Game Commission. August 20, 1934.)

Green Meadow Game Preserve

Beginning at a point in the southeast quarter of Section 13 where the Silver Road runs north, thence following said road through Section 13 and continuing through Section 12 to a point in the northeast portion where the Scratch Gravel Road runs due west, thence following due west along the Scratch Gravel Road until it crosses the Great Northern Railroad tracks, thence continuing on in a westerly

direction to the section line between Section 12 and Section 11, thence south to the quarter corner on the section line between Section 11 and Section 12, thence due west through the center of Section 11, to the west boundary of Section 11, thence south along the boundary line on Section 11 and Section 14, continuing south to the south boundary line of Section 14, thence east along the south boundary of Section 14 and Section 13 to the point of beginning.

The Story Game and Bird Preserve

(Gallatin County)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as "The Story Game and Bird Preserve":

The west half of the west half of Section 2; all of Sections 3 and 4; about three-fourths of Section 5; all in Township 2 South, Range 6 East, M.P.M.; and approximately ninety (90) acres of land in other sections in Township 1 South, Range 6 East, M.P.M.; adjoining the sections above described; this property containing 1,972.62 acres, and being practically rectangular in shape, from three to three and one-half miles in length and approximately one mile in width throughout; all of which is in Gallatin County, Montana, and the property of Mr. Malcolm C. Story.

(Created by the State Fish and Game Commission, October 10, 1934.)

Emigrant Game Preserve

(Park County)

Lots 1, 2, 3, 4, W¼NW¼, NE¼NW¼, Sec 8; Lot 1, Section 3; Lots 1, 2, 3, 4, 5,

6, 7, 8, 9 S½NW¼, NW¼ fractional SW¼ Sec 4; Sec. 5 (excepting 24.02 acres in a triangular shape, located in the extreme NW corner, not owned by the petitioner, Malcolm C. Story), Township 6 S., Range 8 E.; Lots 2, 3, W½SE¼, W½ Sec. 33, Township 5 S. Range 8 E. of the M.P.M. Also, excepting from above mentioned Sections 5 and 8, all ground of the Northern Pacific Railway Company Rock Quarry, being in one piece, extending partly on each of these sections, all in Park County.

State Nursery Game Preserve
(Lewis and Clark County)

Commencing at a point on State Highway No. 10 at the SE corner of the Broadwater grounds, thence running in a northerly direction along the east boundary line of the Broadwater grounds known as the Fort Harrison road to Ten Mile creek, thence in a westerly direction along said creek to a point on the east boundary line of the State Nursery and Seed Company grounds, thence in a northerly direction along said fence to the northeast corner of said grounds, thence in a westerly direction along said boundary fence to the northwest corner of the Broadwater Hot Springs property, thence in a southerly direction along west boundary of said grounds to a point on State Highway No. 10, thence in an easterly direction along said Highway No. 10 to the place of beginning ,all in Lewis and Clark county.

Wild Horse Island Game Preserve
(Lake County)

The entire area in Flathead Lake, known as Wild Horse Island, in Lake

County, Montana, shall be known as Wild Horse Island Game Preserve. Approved by Commission January 22, 1940.

Augusta Bird Preserve

(Lewis and Clark County)

Beginning at what is known as the Sallee Bridge where the Dearborn Road crosses the South Fork of Sun River following this highway toward Augusta to the H. H. Frank ranch, thence North to the Northwest corner of H. H. Frank's ranch, thence East to the highway, thence to Augusta, thence down the alley on the Southeast side of Main street to where it intersects with the Great Falls highway, thence following this highway to where it crosses the Great Northern R.R. at Gillman, thence down the railroad to where the said railroad crosses the said South Fork of Sun River, thence due South line to the New Great Falls highway, West and South of the intersection with the Van Eman road, thence South to the first road leading Southwest following this road until it intersects the Helena-Augusta highway, thence in a due line across the Wm. Auchard and Nels Nelson ranches to the aforesaid starting place at the Sallee bridge.

The above-described territory, known as the Augusta Bird Preserve, shall be governed as a Bird Preserve of the State of Montana, and the landowners shall be permitted to shoot predatory animals and birds upon their own premises within the Preserve.

Keystone Game Preserve

(Mineral County)

Starting at a point where the Sloway Gulch road intersects the Chicago, Mil-

waukee, St. Paul and Pacific Railway fence in Sec. 11, T. 17N., R. 27W., M.P.M., thence along the Sloway Gulch road in a northerly and easterly direction to its junction with the Pardee Creek road in Sec. 35, T. 18N. R. 26W., thence along the Pardee Creek road in a southerly direction to its junction with the north C.M. & St. Paul railway fence in Sec. 20, T. 17N, R. 26W., thence along said railway fence in a westerly direction to the starting point.

Billings Game Preserve

Beginnig at the northwest corner of Section 12, Township 1 North, Range 24 East; extending thence due east to a point where the north line of Section 10, Township 1 North, Range 25 East intersects the Billings-Acton or Alkali Creek Road; thence in a southeasterly direction along the center line of said road to a point in Section 27, Township 1 North, Range 26 East, where the said road intersects U. S. Highway No. 10 at the east end of the Billings Rimrock; thence in a general westerly direction following the upper edge of the said Rimrock to its intersection with the east line of Section 27, Township 1, North, Range 25 East; thence due south to the southeast corner of Section 34, Township 1 North, Range 25 East; thence due west following the south line of Sections 34 33, 32 and 31 to the southwest corner of Section 31, Township 1 North, Range 25 East; thence due north to the Southeast corner of Section 24, Township 1 North, Range 24 East; thence due west to the southwest corner of Section 24, Township 1 North, Range 24 East; thence due north to the point of beginning.

Boundaries amended by Commission December 7, 1948.

GAME RAISING

Chapter 120, Laws of 1947

An Act to Amend Section 3777 of the Revised Codes of Montana, 1935, Relating to Permits for the Breeding and Propagating of Game Birds or Game Animals or Fur-Bearing Animals, the Handling of Foundation Stock, Fees for Captured Stock, Right of Game Wardens to Inspect Farm and Stock, Exempting Certain Fox or Mink Farmers from the Provisions of This Act Except as to Certificates of Identification, and Providing Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3777, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"Section 3777. Any person, or persons, firm, company or corporation before engaging in the business or occupation of propagating, owning and controlling game animals, game birds or fur-bearing animals of the State of Montana, shall first procure a game or fur farm permit from the State Fish and Game Warden.

Such game or fur farm permit shall be issued to responsible applicants who own or lease the premises on which their operations are to be conducted, when such applicant has so fenced the place where such game or fur farm is located, with fencing material, approved by the State Fish and Game Warden, so that no wild or public animal of like species can mix with those confined.

Foundation stock for a fur farm may be obtained from the State Fish and Game

Commission by a free permit authorizing game farm permit holders to capture a designated number of fur-bearing animals, with the exception of beaver or marten, for breeding stock, under such rules and regulations as the Commission shall prescribe. Such fur bearing animals captured under permit shall not be sold or pelted for the period of one (1) year after their capture and the skins or pelts of any fur-bearing animals accidentally killed during their capture or for the period of one (1) year thereafter shall be turned over to the State Fish and Game Warden.

A charge shall be made for the capture of each beaver or marten by fur farm permit holders for foundation stock, under authorization of the State Fish and Game Warden, as follows:

Beaver—fifteen dollars ($15.00) each.
Marten—twenty-five dollars ($25.00) each.

The skins, pelts or products of such game farm shall be subject to the same royalty tax and tagging as the skins or pelts of like wild animals. Each game farm or fur farm shall be open to complete inspection by the State Fish and Game Warden or his deputies at any reasonable time, inclusive of the whole area thereof, all stock thereon, and all structures, pens, and other devices thereon. Game farm or fur farm permits issued under the provisions of this Act shall be valid during the time such game or fur farm is operated and conducted according to law, provided that on or before January 31 of each year a report shall be submitted by the licensee to the State Fish and Game Warden, showing the numbers and species of game or fur-bearing ani-

mals on hand on January 1, preceding, and the number and kinds of animals pelted, bought or sold during the year.

Any person or persons, except as herein provided, who, at any time, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, which notices must be plainly discernible at a distance of not less than twenty-five (25) yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, etc., or for any other purpose whatsoever, shall be guilty of a misdemeanor, and liable to the penalty hereinafter provided.

Any person or persons, firm, company or corporation engaging in the business or occupation of fox or mink farming whose original foundation stock is or was not captured from the wild in the State of Montana shall apply for and be issued free of charge a numbered certificate of identification for such fur farm, which certificate shall be non-transferable and valid for the life of the business; provided, no other provisions of this section shall be construed to or shall in any manner affect such person, or persons, firm, company or corporation engaging in the business or occupation of fox or mink farming whose original foundation stock is or was not captured from the wild in the State of Montana.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Section 3778.1. **Hours of Fishing in Georgetown Lake.** It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided for any person to fish for or attempt to take in any manner any fish from the waters of Georgetown Lake, situated in Deer Lodge and Granite counties, State of Montana, during the hours intervening between 9:30 o'clock p. m. mountain time of each day and 5:00 o'clock a. m. mountain time of each following day.

Chapter 224, Laws of 1947

Section 32. That Section 3778.2 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3778.2. **Penalty for Violation of Act.** Any person violating any of the provisions of Section 3778.1 R. C. M. 1935, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as provided by Section 3706 R. C. M. 1935."

Section 3778.3. **Fur Dealers Defined.** Any person or persons, firm, company or corporation engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading or dealing, within the State of Montana, in the skins or pelts of any animal or animals, designated by the laws of Montana as fur-bearing or predatory animals, shall be deemed a fur dealer within the meaning of this Act. If such fur dealer resides in or if his or its principal place of business is within the State of Montana, he or it shall be deemed a resident fur dealer. All other fur dealers shall be deemed non-resident fur dealers.

Section 3778.4. **Records to Be Kept by Fur Dealers—Inspection.** Every fur dealer shall keep a book in which shall be recorded separately on the date of each transaction the following facts:

The number and kind of all skins or pelts purchased or sold by such fur dealer.

The place where such skins or furs were killed or trapped and a separate record of all such skins or pelts as were killed or trapped outside the State of Montana.

The trapping license number under which such furs or pelts were taken in cases where a trapper's license is required for the taking thereof.

The name and addresses of the persons to whom such skins or pelts were sold or from whom they were purchased.

Said book shall be open at all reasonable times to the inspection of the State Fish and Game Warden or any of his deputies, or any United States Game Warden, and shall be preserved and accessible for one year after the expiration of any license granted to said fur dealer.

Section 3778.5. **Persons Required to Procure Fur Dealer's License.** All fur dealers as defined in this Act shall, before buying, selling, or in any manner dealing in the skins or pelts of any fur-bearing or predatory animal within the State of Montana secure a fur dealer's license from the State Fish and Game Warden, provided that no license shall be required for a hunter or trapper selling skins or pelts which he has lawfully taken, nor for any person not a fur dealer who purchases any such skins or pelts exclusively for his own use and not for sale.

Chapter 188, Laws of 1945

An Act to amend Section 3778.6 of the Revised Codes of Montana 1935 as amended by Chapter 69 of the Session Laws of 1941, Relating to an Increase in License Fees for Fur Dealer's License, and Providing That a License May Be Issued to Fur Dealer's Agent Who Is Employed by Licensed Resident or Licensed Non-Resident Fur Dealer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3778.6, be, and the same is hereby amended to read as follows:

"Section 3778.6. **Classification and Fees for Licenses.** The following classes of licenses shall be issued:

Resident Fur Dealer's License;
Non-Resident Fur Dealer's License;
Fur Dealer's Agent's License;
And the following fees charged therefor:
Resident Fur Dealer's License, **Ten ($10.00)** Dollars;
Non-Resident Fur Dealer's License, **Fifty ($50.00) Dollars;**
Fur Dealer's Agent's License, **Ten ($10.00) Dollars.**

Any person who is employed by a resident or non-resident fur dealer as a traveling fur buyer shall be deemed a fur dealer's agent. **A fur dealer's agent's license may be issued to any person who is employed by a licensed resident or licensed non-resident fur dealer as a fur buyer. Providing that it shall be the responsibility of each and every fur dealer and fur dealer's agent to have the proper license before buying or dealing in furs**

as defined by Section 3778.3 of the Revised Codes of Montana 1935."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3778.7. **Time for Issuance and Expiration of Licenses.** The license required by this Act shall be issued annually and shall expire on April 30 of each year and no reduction in the fee charged for said license shall be made in any case where said license runs for less than one year.

Chapter 224, Laws of 1947

Section 33. That Section 3778.8 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3778.8. **Penalty for Violations.** Any person, firm, company or corporation violating any of the provisions of Sections 3778.3 to 3778.7 inclusive, R. C. M. 1935, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as provided by Section 3706 R.C.M. 1935."

Chapter 224, Laws of 1943

An Act to authorize the Fish and Game Commission of the State of Montana to Establish a Public Shooting Area for Migratory Water-Fowl Around and Immediately Adjoining Any Federal Government Wildlife Preserve, Including Any Wildlife Refuge for Migratory Water-Fowl in Any Section of Montana, by Acquiring Rights from the Land Owners for Use by the Public and Authorizing the Opening of Roads and Lanes Within a One Mile Limit of Any Such Preserve for the Shooting of Any Migratory Water-Fowl and the Posting of Zoning Signs by the Commission, and Authorizing the Expenditure of

Moneys in the Fish and Game Funds for Such Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Montana Fish and Game Commission shall negotiate for and enter into written agreements with owners, lessors, lessees, or others having control of areas, tracts or parcels of land adjoining or contiguous to any United States Federal Wildlife Preserve including any wildlife refuge or migratory waterfowl in any section of Montana for the purpose of securing equal hunting and shooting rights for all resident holders of fish and game licenses in Montana on such adjoining and contiguous lands, and preventing such preserves from being surrounded by lands whereon such licensees may not enter. The Commission shall, further, open or cause to be opened to public hunting and shooting of migratory waterfowl on any roads, lanes and trails not a part of the traveled portion of any Federal Aid highway system within a one (1) mile limit from the boundaries of any such preserve or refuge. The Commission shall cause any such area, tract, road, lane or trail to be plainly posted with clear signs showing the boundaries of the areas, tracts, roads, lanes or trails open to shooting and hunting by licensees.

Section 2. The Commission is hereby authorized to negotiate the payment of a reasonable sum to land owners, lessors or lessees for the right of the Commission to create a public shooting area upon their lands. The amount that may be paid for such purpose shall rest in the discretion of the Fish and Game Commission.

Section 3. There is hereby appropri-

ated annually from the fish and game funds such sums as are necessary for the purpose of carrying out the provisions of this Act. The total amount allowed annually for such purpose shall not exceed Five Thousand Dollars ($5,000.00).

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 156—1941

An Act Consenting to the Acquisition by the United States of Land, Water or Land and Water, Within Flathead County, Montana, for a Migratory Bird Reservation as Authorized by Act of Congress of February 18, 1929, and providing for the Establishment of Such Area as a State Refuge in the Discretion of the State Fish and Game Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Consent of the State of Montana is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in sections 31 and 32 in township 28 north of range 22 west; sections 4, 5, 8, 9, 16, 17, 18, 19 and 20 in township 27 north, of range 22 west; sections 13, 14, 15, 16, 21, 22, 23 and 24 in township 27 north of range 23 west, in Flathead County, Montana, as the United States may deem necessary for the establishment of a migratory bird reservation in accordance with the act of congress approved February 18, 1929, entitled: "An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other

causes in the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the State of Montana full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said act of congress.

Section 2. Upon the acquisition of establishment of any such refuge in Flathead County, State of Montana, the Fish and Game Commission of the State of Montana, acting under its authority to designate areas as resting, feeding and breeding grounds for migratory and other species of birds and wild animals, shall in its discretion establish such areas as a state refuge and adopt such regulations not inconsistent with the regulations of the secretary of the United States department of agriculture governing such areas as it may deem necessary for their protection, and may enter into cooperative agreements or arrangements with the said secretary for the enforcement of the aforesaid act of congress and the regulations of the secretary of agriculture, and for the maintenance and administration of such refuge.

Section 270. **Investment of Special Funds in General Fund Warrants.** The state board of examiners is hereby empowered to invest any moneys available in the following funds: Escheated estate fund, educational bond interest and sinking fund, and the fish and game fund, in

the hands of the state treasurer, in state general fund warrants.

Provided, however, that no money shall be taken from the fish and game fund except with the consent of the Montana Fish and Game Commission.

Section 2776. **State Fire Warden. There** is hereby created the office of state fire warden, and the State Fish and Game Warden is hereby made ex-officio state fire warden to serve as such state fire warden without additional salary.

Section 2777. **Deputy Fire Wardens.** All of the deputy state game and fish wardens shall be deputy fire wardens to serve without extra salary, and said state fire warden and said deputies shall, under such rules and regulations as the state board of land commissioners shall provide, protect the timber of the state, and especially the timber owned by the state, from destruction by fire, and for such purpose in emergencies may employ men and incur other expenses when necessary, and such fire warden and deputies shall have power and authority to make arrests of any person or persons who may violate any of the laws of this state relating to prairie or forest fires.

Section 11481. **Malicious Injuries to Freehold.** Every person who wilfully or maliciously commits any trespass by either

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7. Hunting, without permission, upon the enclosed premises of another.

Section 11482. **Injuring Fences, Building Fires, and Hunting on Premises of Another When Forbidden.** Any person tearing down, breaking, or injuring any fence or other inclosure, for the purpose of entering upon the land or premises of an-

other without the consent of the owner or occupant; any person who shall build a fire upon the land or premises of another within any inclosure, or who shall sever from such land or premises any tree, grass, or other product thereof, or shall take therefrom anything attached or appurtenant thereto, without the consent of the owner or occupant; and any person who shall hunt upon any inclosed land or premises where there is posted in a conspicuous place a sign or warning reading, "No hunting allowed on these premises," or a sign or warning reading, "No trespassing allowed on these premises," without the consent of the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than ten dollars, nor more than five hundred dollars, or imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment; and shall also be liable to the person injured for all damages occasioned thereby.

Chapter 208, Laws of 1945

An Act Providing That Residents of the State of Montana, on Furlough or Leave in the Military Service of the United States in Time of War May Hunt and Fish, All As Authorized by Law, and Without Obtaining a License, Providing Such Resident Shall Have First Secured a Permit to So Hunt and Fish, the Form of Which Shall Be Prescribed by the Montana Fish and Game Commission and which Shall be Issued by the Proper Authorities Upon the Proper Showing Being Made by the Applicant of His or Her Service Record, Furlough or Leave Papers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. It shall be lawful for residents of the State of Montana on furlough or leave from the armed service of the United States while the United States is engaged in war to pursue, hunt, shoot, kill, capture, take and possess game birds and game animals, and to fish with hook and line or rod in hand, all as authorized by the laws of the State of Montana, and without obtaining a license therefor, providing such resident shall have first secured a permit to so hunt and fish, the form of which shall be prescribed by the Montana Fish and Game Commission and which shall be issued by the proper authorities upon the proper showing being made by the applicant of his or her service record, furlough or leave papers.

Section 2. This Act shall be in full force and effect from and after its passage and approval.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Chapter 198, Laws of 1947

An Act to Enable the State Fish and Game Commission to Enter Into an Agreement with the Council of the Confederated Salish and Kootenai Indian Tribes, Relating to Fish and Game and Common Privileges of Indians and the General Public.

Whereas, by treaty of July 16, 1855, between the United States of America, represented by Isaac I. Stephens, governor and superintendent of Indian affairs for the Territory of Washington, and the chiefs, headmen and delegates of the confederated tribes of the Flathead, Kootenai

and Upper Pend d'Oreille Indians, the said Indians were given the exclusive right to fish and hunt on the Flathead Indian reservation, and the privilege of hunting in their usual hunting grounds on large areas of Montana, and

Whereas, non-members of such tribes have the right to hunt and fish on Indian lands by sufferance of such tribes only, and

Whereas, it appears to be the common advantage of the state and such Indian tribes that hunting and fishing regulations and privileges on other lands of the state and on Indian lands shall be uniform, and that hunting and fishing on such lands shall be in common with the public, now, therefore

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Fish and Game Commission be, and the same is hereby authorized, empowered and enabled to negotiate and conclude an agreement with the council of the Confederated Salish and Kootenai tribes of the Flathead Indian reservation for the purpose of obtaining and establishing for the citizens of Montana, regularly licensed to hunt and fish in the state, the privileges of hunting and fishing on Indian lands on the Flathead Indian reservation, and for the purpose of the coservation and protection of fish, game and fur-bearing animals on such Indian lands, and on lands adjacent thereto; and for the further purposes of setting dates for the opening and closing of seasons for hunting and fishing on such lands for Indians and whites alike, opening and closing of streams and land areas for hunting and fishing, and

of doing what in its judgment is necessary by way of granting to such tribal Indians state permits to hunt and fish, to be issued without charge to such Indians, of stocking streams and land areas of such Indian lands for the common benefit, of policing such Indian lands for the protection of fish and game, and in general to carry out the purposes of this act. Provided, however, that if any part of such treaty shall provide for the payment of money in the premises to such tribes, such part shall first have the approval of the state legislature.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Chapter 167, Laws of 1941

An Act assenting to the provisions of an Act of Congress entitled "An Act to provide that the United States shall aid the states in wild life restoration projects and for other purposes," approved September 2, 1937, and known as 50 Federal Statutes 917, and for the passage of appropriate legislation required thereunder, and vesting certain authority in the Montana Fish and Game Commission in connection therewith, and providing certain reservations in the acceptance of the Federal benefits and in the operation of said act of Congress within the State of Montana and in the operation of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The Congress of the United States having passed an Act which was

approved on September 2, 1937, and which is known as 50 Federal Statutes 917 of the Acts of Congress, wherein it is, among other things, provided that "no money apportioned under this Chapter to any State shall be expended therein until its legislature or other state agency authorized by the State Constitution to make laws governing the conservation of wild life shall have assented to the provisions of this Chapter and shall have passed laws for the conservation of wild life, which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State Fish and Game Department," and since the moneys referred to in the Act of Congress are collected in part from the hunters of this State and will not be returned to the State of Montana except the State of Montana do assent to the Act, now, therefore, the State of Montana does assent to the provisions of said Act of Congress, which is commonly known as the Pittman-Robertson Bill, but such assent is with the express reservations in this Act enumerated. The State of Montana does not by the passage of this Act, nor by the consent herein given, surrender to the Congress of the United States or any department of the Government of the United States any of those rights which are retained by the people of the State of Montana or the State of Montana and which are guaranteed to them by the Ninth and Tenth Amendments to the Constitution of the United States, nor shall this Act in any manner or at all be construed or held to be the State of Montana's consent to amending the Constitution of the United States in any manner or at all relative

to its rights. Provided, however, that nothing herein shall be construed as giving consent to the purchase or acquisition of lands by the United States or by any of its departments or officers for establishing migratory bird sanctuaries under the Migratory Bird Conservation Act of the United States, or otherwise, and that the title to all lands acquired under the provisions of this Act for wild life projects and projects constructed thereon shall be and remain in the State of Montana.

Section 2. The Montana Fish and Game Commission is hereby authorized to perform such acts as may be necessary to establishment and conduct of wild life projects as defined and authorized by said Act of Congress, provided every project initiated under the provisions of this Act shall be under the supervision of the Montana State Fish and Game Commission, and no laws, rules or regulations shall be passed, made or established, governing the game or fur-bearing animals or the taking or capturing of the same in any such projects, except they be in conformity with the laws of the State of Montana or rules promulgated by the Montana Fish and Game Commission and the title to all lands acquired or projects created from lands purchased or acquired by deed or gift shall vest in, be and remain in the State of Montana and shall be operated and maintained by it in accordance with the laws of the State of Montana. The Montana Fish and Game Commission shall have no power to accept benefits unless the projects created or established shall wholly and permanently belong to the State of Montana.

Section 3. The Montana State Fish and Game Commission, in the name of the

State and with the approval of the Governor, shall have the power to acquire by purchase, either for cash or upon installments, or lease or by gift or devise, or individually or in conjunction with the Government of the United States or some department or bureau thereof, such lands or other property or interests therein as may be necessary for the purpose of carrying on any wild life restoration project created and established under the provisions of said Pittman-Robertson Bill of the Congress of the United States, and the State of Montana does reserve to itself, acting through its Legislature, the right to direct the Montana Fish and Game Commission to abandon any wild life restoration projects created and established as the State of Montana may in its judgment think proper, provided said Commission shall have no power to exercise the right of eminent domain to condemn or acquire property under this Act.

Section 4. In accordance with the other requirement of said Act of Congress, it shall be the law of this State, so long as this assent shall be unrepealed, that no license fees paid by hunters in the State of Montana shall be used or taken for any other purpose than the administration and use of the Department of Fish and Game of the State of Montana.

Chapter 220, Laws of 1947

Section 13. Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be foreclosed under the procedure as provided for chattel mortgages.

(a) Locker-owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator. Except that operator shall not receive for processing quick freeze, or cold storage any quarter, half, or whole carcass of any beef or veal or game or game birds except that such carcass or portion herein mentioned, shall be properly stamped or tagged. In the event that carcass or portion herein mentioned shall not be properly stamped or tagged, said operator shall require a declaration to be made and signed showing required authority to said carcass or portion thereof described with the detail of obtaining possession, date of placing in the locker, the weight and the type of meat, said declaration must be kept as a matter of record for one (1) year open to inspection by a duly authorized agent of the director. . . .

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